

KENTUCKY

Winter 2013 | Volume 12, Number 4

LAW ENFORCEMENT



OVERCOMING



Steve Beshear
Governor

J. Michael Brown
Justice and Public Safety
Cabinet Secretary

John W. Bizzack
Commissioner

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This publication is produced quarterly as a training
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community as well as public officials and others
involved with law enforcement or the oversight of law
enforcement. It includes best practices, professional
profiles, technology and law updates of practical
application and news-to-use for professionals in
the performance of their daily duties.

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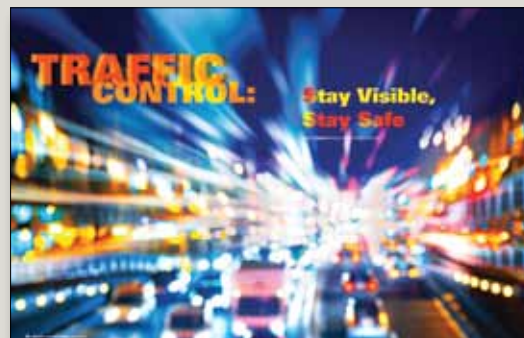
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The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital images. KLE news staff can also publish upcoming events and meetings. Please include the event title, name of sponsoring agency, date and location of the event and contact information.



Secretary's Column

A New Approach to Combatting Heroin Addiction in Kentucky

J. MICHAEL BROWN | SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

Over the past six years, Kentucky has launched a full-fledged assault on substance abuse, prescription drug abuse in particular, which has devastated parts of our state. Thousands of our families are impacted each year by the crush of addiction, enduring dramatic personal, economic, health and safety losses.

To combat that threat, we've worked across all branches of government and political parties to expand treatment options and vigorously educate prescribers and the public on the dangers of misusing prescriptions. Many jurisdictions have made it possible for individuals to drop off unneeded and unused medications so those drugs don't end up being diverted and abused.

Most significantly, the legislature last year passed, and Gov. Steve Beshear signed into law, House Bill 1, which included multiple elements to prevent the abuse and diversion of prescription drugs and enhance law enforcement's tools to investigate illegal prescribing practices. Just over a year after the landmark legislation took effect, the law has been credited with closing non-compliant pain management clinics and reducing the number of prescriptions for heavily-abused controlled substances.

But for all its successes, an unintended side effect of the new law has been the increase in heroin use.

As HB 1 has taken effect, opiates available through illicit means — doctor shopping and street sales — have become less available, requiring drug users to seek out cheaper and more available alternatives. Unfortunately, that default is heroin.

The increase in heroin use was not completely unexpected. According to our Office of Drug Control Policy, Kentucky first started seeing an increase in heroin use and deaths when the formulation for Oxycontin was changed in 2010 and for Opana in 2011 to make those drugs more difficult to break down for intravenous drug use.

Still, the impact is startling: through the first three quarters of 2013, the number of overdose deaths involving heroin had already surpassed last year's total. According to data from medical examiners and coroners, 170 overdose victims have had heroin in their toxicology report as of September 30, 2013. In all of 2012, according to information from the state Medical Examiner's Office, that number was 143.

A recent study of the heroin epidemic in northern Kentucky estimates it will cost at least \$16 million over four years to stabilize and reduce usage of the drug.

We have been able to address the pill-mill problem through legislation, since the supply chain utilizes pharmacies and physicians who are state regulated. But getting control of a drug supply that's acquired through illicit means is obviously more difficult.

In order to dry up the supply and hold traffickers accountable, we're working with stakeholders from all areas to develop a three-pronged approach.

- **Deter.** By setting prison time for certain trafficking amounts or increasing the percentage of a sentence an offender must serve before seeing the parole board, we believe we can impact the attractiveness of dealing in these drugs. For example, in discussions, Sen. Katie Stine of Southgate has proposed mandating that an individual convicted of possessing 4 grams or more of heroin or meth would have to serve 50 percent of his or her sentence before becoming eligible for parole.
- **Treat.** Currently, the only recurring, dedicated state dollars for substance abuse treatment comes through the Department of Corrections. We want to continue looking at options to ensure treatment is available to anyone who needs and/or wants it. Expanded Medicaid will allow for some additional opportunities. Substance abuse treatment will be an essential health benefit for Medicaid members.
- **Educate.** This is not just a law enforcement issue. We need to promote public awareness of the dangers of heroin use, starting with school-age children. Our experience with educating the public about the dangers of substance abuse has shown that education works. Recent surveys indicate significant declines in the percentage of young people who use drugs for purposes other than their prescribed purposes, for example. ■



Commissioner's Column

The Importance of Accreditation

JOHN W. BIZZACK | COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

Accreditation serves as the fundamental foundation for the legitimacy of an organization, demonstrating that specific standards which are applied to all similar organizations are attained, adhered to and improved upon. If you want to be the best, you must be measured in comparison to the best. In the race to be exceptional, DOCJT is no exception.

That is the underlying reason why we at DOCJT pursued and recently won accreditation from the International Association of Continuing Education and Training, known as IACET.

In 1998, DOCJT attained law enforcement accreditation through Commission on Accreditation for Law Enforcement Agencies. By 2003, CALEA had developed a specific accreditation program for law enforcement training academies, and DOCJT was the first academy in the nation to attain those standards. Three years later, DOCJT was proud to be named a CALEA flagship agency, representing the absolute best in law enforcement training.

That accreditation underscores DOCJT's commitment to providing quality law enforcement training that benefits our two core Kentucky constituencies: Kentucky law enforcement officers and Kentucky citizens.

We are proud of the lofty goals attained by DOCJT through CALEA. We are extremely proud of our instructors and faculty who share their knowledge while providing hands-on training for more than 10,000 Kentucky law enforcement officers and public safety dispatchers annually. Similarly, we are proud of DOCJT graduates who display the utmost professionalism while protecting our streets and our communities.

But we are not content to rest on our laurels. DOCJT represents a blend of two disciplines: law enforcement and higher education. Attaining accreditation from the law enforcement community was a goal that was accomplished. What about accreditation for the higher education portion of our mission, specifically the legislative mandate of providing continuing education to Kentucky officers? After all, the pursuit of excellence requires new goals, maximum effort and a desire to be second to none.

DOCJT is now the only law enforcement training program in the nation accredited for both law enforcement training and continuing education.

With that in mind, DOCJT staff focused on attaining accreditation from an international group focused on continuing education. IACET provides the national standard "for best practices in adult continuing education and commitment to excellence in educational rigor and integrity." Their personnel reviewed the DOCJT curriculum you took and the DOCJT instructors who trained you from the perspective of higher education authorities.

"DOCJT joins nearly 650 organizations around the globe that have had their programs vetted by third-party experts in continuing education to ensure the highest possible standards are met," said Kristopher J. Newbauer, president of IACET.

As a result, DOCJT is now the only law enforcement training program in the nation accredited for both law enforcement training and continuing education.

National validation for DOCJT programs and courses is nice, you say, but what does that mean to me? Simply this: As a Kentucky law enforcement officer, you are recognized as being a graduate of the most intensive, effective and efficient police training possible as defined by both elements of that equation — law enforcement via CALEA and education via IACET.

Your training reflects the best of both worlds — congratulations! 🇺🇸

John Bizzack



NEW APPOINTMENTS

KLEC Gets New Executive Director



Leslie Gannon

Leslie Gannon, a former Kentucky State Police lieutenant colonel, has been named executive director of the Kentucky Law Enforcement Council.

"Kentucky is very fortunate that, following on the heels of former KLEC Director Larry Ball, we're able to attract someone to this role who not only possesses extensive law enforcement experience, but who also has worked with KLEC in the past and has a full understanding of its duties and responsibilities," said Justice and Public Safety Cabinet Secretary J. Michael Brown.

Prior to her retirement from KSP in July 2013, Gannon served as the KSP representative on the board for nearly seven years, and also as chair of the Peace Officer Professional Standards committee.

Gannon began her KSP career in 1990 as a trooper with Pikeville Post 9. She also served the KSP academy as a sergeant and assistant commander. In 2001, she was promoted to commander of the state's central forensic lab in Frankfort, where she served until taking over as commander of the training academy. Gannon served for three years as Post 2 commander in Madisonville before returning to where it all started as post commander in Pikeville. She retired as the administration division's lieutenant colonel at KSP headquarters in Frankfort.

Neal Takes Reins as KLEMF Executive Director

Drexel Neal is taking the reins as the Kentucky Law Enforcement Memorial Foundation executive director, replacing Horace Johnson. Neal is a retired Lexington Division of Police commander with nearly 44 years of experience working in and for the criminal justice system.



Drexel Neal

He began his law enforcement career with LDP in 1969, retiring as assistant chief and commander of the Bureau of Internal Affairs in 1998. From 1999 to 2004, he served as director of the Division of Adult Probation, which later became the Division of Community Corrections.

In 2005, he joined the Kentucky Community Preparedness Program, a homeland security grant initiative administered by the Department of Criminal Justice Training. He served as the KCPP executive director until 2007. From there, Neal was named the section supervisor of DOCJT's Office of Staff Services and Planning, which oversees the Commission on Accreditation for Law Enforcement Agencies accreditation standards and policies for the academy.



DOCJT Receives IACET Accreditation

Kentucky's Department of Criminal Justice Training has won accreditation from the International Association of Continuing Education and Training, according to DOCJT Commissioner Dr. John W. Bizzack.

"With this second accreditation, DOCJT becomes the only law enforcement training academy in the nation accredited by two, third-party, independent accrediting agencies," Dr. Bizzack explained.

In 2003, DOCJT became the first training program in the nation to be accredited under the Commission on Accreditation for Law Enforcement Agencies public safety training program designation. In 2006, the academy was named a CALEA flagship agency, the first law enforcement training academy in the nation to reach that status.

"This prestigious accomplishment is further evidence of the high standards and commitment that DOCJT expects of its staff and instructors and underscores the quality of Kentucky's law enforcement community," said Justice Secretary J. Michael Brown.

With multiple accreditations, DOCJT's "law enforcement training and continuing education policies and processes are proven to be second to none," Dr. Bizzack added.

As an IACET Authorized Provider, DOCJT meets a national standard "for best practices in adult continuing education and commitment to excellence in educational rigor and integrity." The accreditation period extends five years and includes all programs offered or created during that time.

"We are pleased to begin our relationship with DOCJT as an Authorized Provider," said Kristopher J. Newbauer, President of IACET and Director of Learning and Organization Development at Rotary International in Evanston, Ill. "DOCJT joins nearly 650 organizations around the globe that have had their programs vetted by third-party experts in continuing education to ensure the highest possible standards are met."



NEW CHIEFS

MICHAEL NAPIER

Martin Police Department

Michael Napier was appointed chief of Martin Police Department on July 1. Napier has nine years of law enforcement experience. He began his career with the Hazard Police Department, and he also served the Perry County Sheriff's Office before coming to Martin. He graduated from the Department of Criminal Justice Training Basic Training Class No. 360. Napier is the co-founder of the Hazard Police Department's tactical team. His goals are to increase community efforts through community-oriented policing. Napier plans to add more staff, provide safer equipment, and advance technology. He also plans to pursue accreditation.

J. KENT KEEN

Barren County Sheriff's Office

J. Kent Keen was appointed sheriff of Barren County on Aug. 5. Keen has 22 years of law enforcement experience. He began his career at the Glasgow Police Department in 1991 and retired as a lieutenant colonel in October 2011. Keen joined the Barren County Sheriff's Office in May 2012. He graduated from Eastern Kentucky University with a bachelor's degree in police administration and is a graduate of the Department of Criminal Justice Training Basic Training Class No. 210. Keen will work toward updating communications, media channels, community programs and policy renewals.

KEVIN MCDAVID

Grayson Police Department

Kevin McDavid was appointed chief of Grayson Police Department on Aug. 12.

FBI Busts The Web's Biggest Anonymous Drug Black Market

After two and a half years running the booming anonymous narcotics bazaar known as the Silk Road, the drug kingpin who called himself the Dread Pirate Roberts has been unmasked.

The FBI arrested 29-year-old Ross William Ulbricht, the Silk Road's alleged administrator, in the Glen Park branch of the San Francisco

Public Library. Ulbricht was charged with engaging in a money laundering and narcotics trafficking conspiracy as well as computer hacking. The Department of Justice has seized the website of the Silk Road as well as somewhere between \$3.5 to 4 million in bitcoins, the cryptographic currency used to buy drugs on the Silk Road.

It was estimated that the Silk Road was earning between \$30 and \$45 million in annual revenue. "This is supposed to be some invisible black market bazaar. We made it visible," said an FBI spokesperson.



Job Survey of Kentucky Law Enforcement Officers Will Affect Training and Liability Issues

Encourage Your Officers to Participate

A new survey of all law enforcement officers in Kentucky will soon have a dramatic impact on law enforcement training which, in turn, will affect the quality of local law enforcement and city/county liability issues, according to Dr. John W. Bizzack, commissioner of the Department of Criminal Justice Training.

"The survey is a major component of an overall Job Task Analysis for all Kentucky law enforcement personnel," Bizzack said. "Every officer in the state will receive the survey and, we hope, take a little time to fill it out."

The JTA will produce a broad, up-to-date job description of the modern officer's duties on a regular basis.

Results of the web-based JTA survey will then spearhead a revamped officer training curriculum at DOCJT and Kentucky's other training academies in Louisville, Lexington and the Kentucky State Police. All officers in the state must complete a basic training course approved by the Kentucky Law Enforcement Council.

"In essence, the JTA of entry-level peace officers serves as the foundation for policing throughout Kentucky," Bizzack explained. "It objectively identifies the training needed by all officers as opposed to the subjective opinion of any individual or group."

There have been eight JTAs of state law enforcement since the practice was first initiated on a regular basis, Bizzack explained. In 1997, 2006 and now in 2013, the analysis has focused on entry-level peace officers. Each JTA has improved and refined the officer training process by assuring training reflects actual job experiences.

"When DOCJT pinpoints those specifics, which have evolved significantly since the last JTA, we will be able to tailor the overall basic training experience to reflect those actualities encountered on duty, Bizzack said."

DOCJT will use the survey results to mold individual classes as well as the overall curriculum that is required by state law.

The end result, explained Bizzack, will be better trained, higher quality law enforcement officers patrolling Kentucky communities.

"Despite the wide variety of law enforcement agencies in Kentucky — from state police to sheriffs' deputies to city patrolmen — they all share a common ground; they are all professional peace officers, certified and trained to meet specific standards, Bizzack said."

Benson Named New ECU President



Michael Benson

"Kentuckians are safer today due to all the training and education that goes on" at Eastern Kentucky University's College of Justice and Safety and its neighbor on campus, the Department of Criminal Justice Training, according to Dr. Michael T. Benson, ECU's 12th president.

"The university's long and fruitful association with DOCJT — as well as the outstanding academic programs within our own College of Justice and Safety — have brought positive attention to the ECU campus, raised our institution's profile and enhanced our reputation for quality and innovation," he said.

Dr. Benson, who assumed his position earlier this year, holds a doctorate in Middle Eastern History from the University of Oxford and a master's degree in non-profit administration from the Mendoza College of Business at the University of Notre Dame.

"We, too, are looking forward to working closely with Dr. Benson who has a reputation as a visionary leader," said Dr. John W. Bizack, DOCJT commissioner and a former member of the ECU board of regents. "As the daily duties of law enforcement officers evolve to encompass more demanding tasks daily, the training and educational responsibilities of DOCJT and ECU become more important to Kentucky's communities."

ECU "is proud to serve as home to DOCJT and we hope to work together for many more years in service to the justice and safety profession and the commonwealth," Benson said.

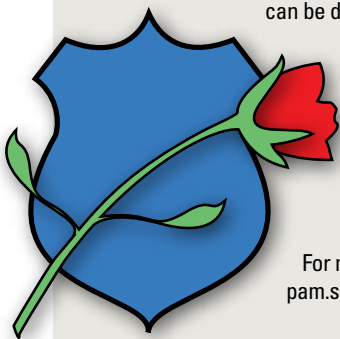
The DOCJT campus, including driving tracks, firing range, classrooms and dormitory, are located on ECU's campus, next door to the College of Justice and Safety.

KLEMF Scholarship Deadline Approaching

The application deadline for the Kentucky Law Enforcement Memorial Foundation scholarships is March 31, 2014. Application forms can be downloaded from the website at www.klemf.org.

Each year, KLEMF awards 25, \$1,000 scholarships to law enforcement officers, dispatchers and their families to assist in paying for college tuition, books or other school related fees.

For more information, contact Pam Smallwood at pam.smallwood@ky.gov or at (859) 622-8081.



KLEMF 3rd Annual 5K Foot Pursuit a Success

More than 160 participants raced in support of Kentucky's law enforcement personnel at the third annual Kentucky Law Enforcement Memorial 5K Foot Pursuit Run/Walk. Racers, along with many generous sponsorships, helped raise funds for the foundation, which are used to support law enforcement and dispatch personnel who experience family tragedies, pursue higher education or experience a line-of-duty death.

Police Social Media Site 'BlueLine' Launches

A new law enforcement social media network designed exclusively for the men and women in blue recently made its online debut.

Created by former high-profile New York City police commissioner and Los Angeles Police Chief Bill Bratton, BlueLine is being touted as a site where officers can share their expertise, insight and information securely through video, instant messaging, videoconferencing and screen share capabilities.

Those who join must be accredited members of law enforcement. They also can create databases, have PowerPoint meetings and search for other members via name, topics and interests.

"This is a big void that needed to be filled," Bratton said. "Our intent is to have officers locate their counterparts and closely interact with each other on a number of topics such as gangs and counterterrorism as well as share their best practices and strategies."



BLUELINE

KLEC Presents CDP Certificates STAFF REPORT | KLEC

The Kentucky Law Enforcement Council's Career Development Program is a voluntary program that awards specialty certificates based on an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 17 professional certificates; 12 for law enforcement that emphasize the career paths of patrol, investigations, traffic and management; and five certificates for telecommunications. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

The KLEC congratulates and recognizes the following individuals for earning career development certificates. All have demonstrated a personal and professional commitment to their training, education and experience as a law enforcement officer or telecommunicator.

**INTERMEDIATE LAW
ENFORCEMENT OFFICER**
Ashland Police Department
Christopher Brislin
Glenn Porter

Burnside Police Department
Michael Hill
Ronald Swartz

Cadiz Police Department
Timothy Brown

Covington Police Department
Gerald Chris Twehues

Danville Police Department
Kyle Lyons

Fayette County Schools
James Jeffrey Coleman
Tracy Day
Christopher Gatewood
John Jones
James Moore
David Southworth
Allen Wilford

Franklin County Sheriff's Office
Jacob Banta
Montey Chappell

Hardin County Sheriff's Office
Marvin Rhinehart

Henderson Police Department
Jennifer Richmond

Lexington Division of Police
Thomas Perkins

Louisville Metro Police Department
Sabrina Knoop

Mount Sterling Police Department
Robert Miles

Paducah Police Department
Christopher Baxter

**University of Louisville Police
Department**
Charles Grider

**ADVANCED LAW ENFORCEMENT
OFFICER**
Burnside Police Department
Craig Whitaker

Covington Police Department
Gerald Chris Twehues

Danville Police Department
Jay Newell

Eminence Police Department
Leslie Rankin

**Kentucky State University Police
Department**
Barbara Hayes

Pikeville Police Department
Timothy Roberts

Shively Police Department
Ronnie Vittitoe

**University of Louisville Police
Department**
Charles Grider

LAW ENFORCEMENT INVESTIGATOR
Bluegrass Airport Police Department
Stephen Morris

Hopkinsville Police Department
Scott Raup

Paducah Police Department
Christopher Baxter

**University of Louisville Police
Department**
Charles Grider

**LAW ENFORCEMENT ADVANCED
INVESTIGATOR**
Monticello Police Department
Derek Lester

**LAW ENFORCEMENT TRAFFIC
OFFICER**
Lexington Division of Police
Thomas Perkins

Vine Grove Police Department
Kenneth Mattingly

LAW ENFORCEMENT SUPERVISOR
Berea Police Department
Lee Ann Boyle
Jason Hays

Fort Wright Police Department
Marc Schworer

Franklin County Sheriff's Office
Joseph Parkhill

Paducah Police Department
Robert Hefner

LAW ENFORCEMENT MANAGER
Lexington Division of Police
Kenneth Armstrong

Owensboro Police Department
Timothy Clothier

LAW ENFORCEMENT EXECUTIVE
Lexington Division of Police
Kenneth Armstrong

Paducah Police Department
Brandon Barnhill

**INTERMEDIATE PUBLIC SAFETY
DISPATCHER**
Bluegrass 911 Central Communications
Cathy Preston
Candy Wilson

Bowling Green Police Department
Christy Montgomery

**ADVANCED PUBLIC SAFETY
DISPATCHER**
Bluegrass 911 Central Communications
Russ Clark

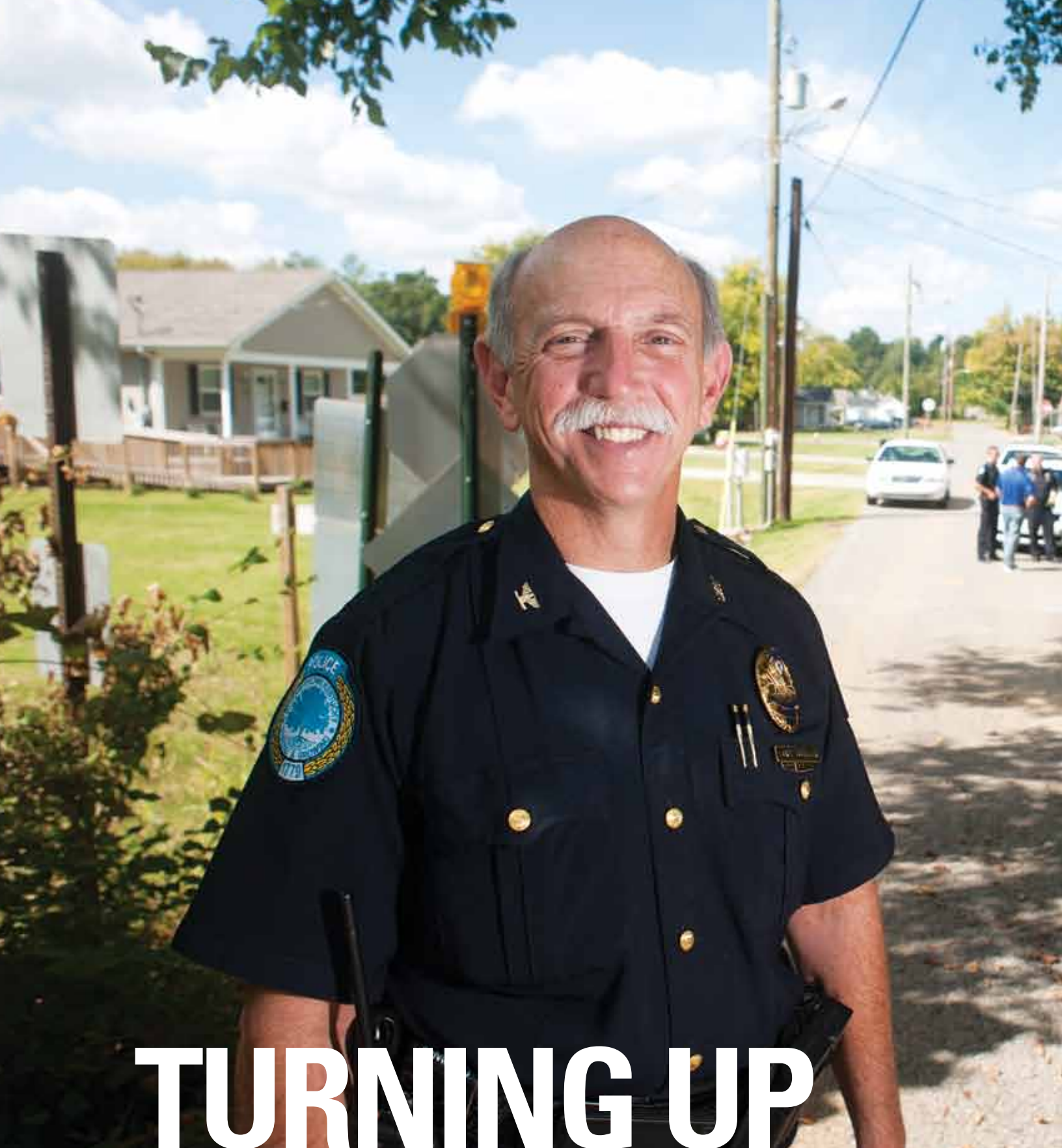
Madisonville Police Department
Michael Marks



Schwendeman Dies at Age 82

Dr. Joseph Raymond Schwendeman, 82, passed away Oct. 16, 2013. Schwendeman was instrumental in the construction of the Funderburk and Schwendeman buildings, which house a majority of the Department of Criminal Justice Training functions. DOCJT's Schwendeman Building houses the academic area of the department, including classrooms, computer lab and model police station.

Schwendeman earned his a doctorate of Geography from Indiana University and was a Naval aviator, retiring in the rank of captain. He retired from Eastern Kentucky University where he held positions as chairman of the Geography/Geology Department, dean of undergraduate studies and vice president for facilities administration.



TURNING UP THE HEAT



PHOTO BY JIM ROBERTSON

After getting his feet wet in policing back in 1978 at a small, now defunct Jefferson County police department called Plantation, Tracy Schiller knew he was ready to dive into the law enforcement profession. Between the Shelbyville Police Department and the Louisville Police Department, he spent the next 25 years serving the citizens of Kentucky. He advanced through the ranks retiring as a major shortly after the 2003 Louisville Metro merger. With the passion for policing still in his veins, Schiller joined the Regional Community Policing Institute providing technical assistance and assessments for law enforcement agencies locally, nationally and even internationally. These experiences diversified his skills and knowledge and prompted him to pursue a full-time law enforcement career again. Settling in Elizabethtown in 2011, Schiller has made tremendous strides through ingenuity, philosophy, hard work and faith in his personnel. For his efforts and the Elizabethtown police department's success, Schiller recently was honored as the 2013 Kentucky Association of Chiefs of Police Chief of the Year.

How did you feel to be honored with the KACP Chief of the Year Award?

First of all, it was a tremendous honor, and it was unexpected and undeserved because I'd say there are a lot of people who are just as deserving. But none of this stuff would happen to any degree of success if the people here did not see the value, did not step up to the plate, did not bring their ideas into play and do the work. The only reason I've received this award is because of the men and women of this police department — it's their award as far as I'm concerned.

In your relatively short time as chief, you and your department have undertaken some big changes and new programs. What sticks out to you as the most important or effective program?

I think it's going to be more of an overall philosophy based on moving toward becoming more outcome focused in our policing. The other part is creating more structure that provides opportunities to build partnerships to support that philosophy.

When I talk about outcome based policing — typically law enforcement has struggled against this and has been more reactionary. On a very cursory level, we've been problem solvers. But how deeply >>

The philosophy behind Chief Tracy Schiller's success that led to his 2013 KACP Chief of the Year award

ABBIE DARST | PROGRAM COORDINATOR

Officer Jonathan Curl speaks with a Haycraft resident. As a Haycraft neighborhood officer, Curl spends much of his time on shift visiting the neighborhood, talking with residents and forming relationships within the community.



PHOTO BY JIM ROBERTSON

>> do we look into issues? Do we look for root causes? Do we project toward a higher goal? On various levels we do, but on a consistent, purposeful level, we could do a better job at that in policing in general.

That was one thing we looked at. We asked, 'When police do work, how do we measure it?' Typically it is measured by how many tickets you write, how many

cases you open and close, how many crash reports you take, and how many arrests you make. All are great measurements of work, and tells me somebody is doing something. However the ultimate question is how does that work effect our identified problems?

I'll use traffic as an example. We take crash reports every day, and they contain

a tremendous amount of information. We collect that information and file it in a report, which goes to the insurance carrier and the officer is done.

What we'd rather do is take those reports and look at things like where are we having the highest number of crashes? Do we know when they occur most often — day of the week, time of day? What are contributing factors? All this data will help us become more strategic in the application of resources we have.

If we identify an intersection or stretch of roadway where we have the highest percentage of crashes, there may be a mixture of engineering, education and enforcement issues. Then we'll let the community know what we've discovered. We may identify that running a particular stop light is a contributing factor. We put that information out in advance, so, the public knows when and where we are enacting enforcement. We tell them, 'This is why we are doing this, this is why you may get this citation — it is for a purpose.' That makes sense to the community. Motorists may not like getting tickets, but they can understand why there is a focus on that issue.

After applying those strategies, we measure whether we had an impact. If we had success, then we can look at what can be done to manipulate the environment so we can sustain that success. That is the philosophy we are moving toward.

Community involvement seems to undergird many changes in the department, even down to involving citizens in the interview and evidence audit processes. Why is community involvement an important component to the success of this department?

I think this department did a good job connecting to the community before, but I think we can always do better. The more transparent we are, and the more opportunities we take to pull the community into the things we do, the better understanding they will gain. Better understanding, translates into support and trust. Support and trust translate into getting more information to prevent and solve crime. It all fits together. We know this to be true.

The other thing you must have is structure in place to make this relationship happen. It is all about being more

purposeful, building structure that we can repeat and will create more opportunity for that open communication to occur.

When we talk about having civilians come in on the interview process, people say they don't know anything about policing. Well, the people we're interviewing really don't either. We can teach them that. But here's what members of the community do know, they know what type of person they want to see coming to their door. That's what we are after.

Before the interview, we'll talk about service mindedness and the value of people who are empathetic and can talk to people, rather than just exercise authority. If they have to exercise authority, they can do that, but what I'd like to do is get people to understand the value of doing what we ask them to first. And that takes officers who are willing to do that and understand the ultimate goal. That's what the community is looking for, and we engage them in that process.

With our evidence audits, if anyone ever questions our evidence room, we would be transparent. Because it's not 'if something bad will happen, it's 'when.' We hope, as a department, we have deposited enough in the 'bank of good will' that people know what we're really about, what really motivates us, what we're trying to accomplish. So when something happens, they'll say it is an anomaly because they can say, 'Here's what I know because I was there.'

I can talk all day about our ethics and integrity — people expect me to say that. But, if people in the community stand up and say, 'I've been there, I've been involved in some of these processes — I can tell you what they are about,' there's a lot more power in that. It all comes together to serve the same purpose.

How have chiefs in your past and networking with other Kentucky chiefs contributed to your success as chief in Elizabethtown?

Hugely — without those experiences, my philosophy would not have evolved. It has been a blessing to have those experiences. If all I know is what goes on in this one little portion of my world, I may or may not be able to step outside of what I'm comfortable with. However, when I get a chance to experience agencies and people

who have successes and failures, and see how they struggled and overcame those struggles, it broadens my horizons.

I've gained a lot of experience by having conversations with people in positions like this, and by talking to community members of agencies that have both struggled and been very successful. What is it about them that causes struggle or success? I'll ask, 'Why is it that you are very confident and trusting of your police, or why not?' All those experiences came with different opportunities I had. They helped me understand the value of the programs implemented here.

How have the employee meetings you conduct changed the dynamics within the department? How do they benefit the officers and the department as a whole?

Maybe I'll never know the overall impact. The overall idea — I'd like to say I came up with, but that's another example of things I learned from watching and talking with other people.

Monthly, I meet and have conversations with officers, — no supervisors allowed. We talk about various things, and they'll come up with ideas that feed into the department philosophy.

Wow, great ideas come from them. A lot of changes we implemented have come out of these meetings. These employees said, 'We do our job and here's what we've seen would be helpful with this; here's what we see as issues. We think this would benefit the agency and community.' Many of those ideas we've >>



▲ (top) Officer Scot Richardson (driver) patrols Elizabethtown with Officer Joe Swartz. As a recruit in training, Swartz depends on Richardson — his PTO — to show him the ropes to effective policing in Elizabethtown.

PHOTOS BY JIM ROBERTSON

You ask for input, they give it to you, and then you put it in place — that's great. Now that person not only has buy in, they've taken some ownership of the direction the agency takes. So now, they don't work for it, they are it. And that is huge. If you ask anybody what makes them happy, it's to have the realization that they are part of an organization, and they mean something to it.

>> been able to implement. From my perspective, it's been hugely successful.

Additionally it gives them a forum to speak openly. I'll say, 'OK, what's the biggest rumor? Let's go ahead and address it and get it out front.' They are feeling more or more comfortable, and there is no agenda. There also is nothing off the table; it is open for whatever they want to talk about. Some stuff we can't do — but I tell them that, and I tell them why, and usually they understand. But many things we can

do, and when we put it in place, they get the credit for it.

Think about it, you can either come to work and someone can put you in a cubby hole and say this is what you do all day long and that's it. Or you can come to work and someone will give you a task and a role, but say, 'Tell me how we can help you do it better. Give me some input. It's a great organization, but what do you think we can do to make it even better?'

You ask for input, they give it to you, and then you put it in place — that's great. Now that person not only has buy in, they've taken some ownership of the direction the agency takes. So now, they don't work for it, they are it. And that is huge. If you ask anybody what makes them happy, it's to have the realization that they are part of an organization, and they mean something to it.

One change for your department was using data-driven techniques to narrow in on problems — SMART policing. What exactly is SMART policing, and how does it benefit the department?

Haycraft is a neighborhood where we are doing a pilot project. The way the process

works is you take a well-defined geographic area which typically has some issues so you have something you can address. Then the assigned officers — for us it was a sergeant and two patrol officers — take responsibility for what goes on in that neighborhood. We know they are not going to work 24/7 — they have their shift and they know their duties. They may work their shift and take calls all over the city, but they should be looking closely at what kind of problems we have in this part of the community, what we can do to identify resources to put some pressure on those problems to help mitigate them. When those officers are not taking calls, instead of riding around, they have something specific to work on in that neighborhood.

The Haycraft neighborhood officers conducted a door-to-door survey. I was interested in it, not scientifically, but more as a sociology issue. People were used to seeing police when something bad happened and somebody got locked up. Rarely was it a positive issue that brought us in there. So now, we have officers knocking on the door, giving them a card, saying 'This is why we're here. Here's what we're doing. I'd really like your input on what's going on in your community, and how we can do a better job.'

Part of it was about developing the relationship — changing the relationship, really. There was already one there, but we wanted to improve it. Officers wondered

▼ Chief Tracy Schiller oversees the day-to-day operations of the 911 dispatch center, where telecommunicators Melissa Dover (right) and Chris Lee field calls for service from Elizabethtown residents.



PHOTO BY JIM ROBERTSON

if citizens would even want them there, but people invited them in, offered them [coffee]. It went really well. We collected a great amount of data and sent it to Kutztown University Criminal Justice Professor and Researcher Dr. Gary Cordner who generated a report. We had a public meeting in Haycraft recently. We said, 'Here's what we're seeing — but what are you seeing? This is the big picture, help us see it better.' And now we're acting on the information we've gathered.

These officers have become responsible for the area. The people in the area have gotten to know who their police are. Now those officers have ownership of a location, not a block of time. These guys have done a great job with it. They were at that public meeting, and were excited about it. They talk about the successes. They know the people. They get out and walk. People come out of the doors and come up waving at them to talk. It used to be when police came out, people went the other direction. This initiative has changed the whole dynamic.

The community has taken ownership of their police department — these officers are getting ownership of the neighborhood, and they get more job satisfaction. They can be creative and innovative; they can apply some different strategies. We'll try almost anything, if it doesn't work, we'll try something else.

What piece of advice would you give to chiefs across the state seeking to change and strengthen their departments?

I guess I wouldn't say anything other than gather different experiences. And that is easily said, but these jobs are very demanding time wise, and it is difficult. But I'd say, 'Open your mind to other possibilities, allow your people to be innovative, allow them to take some risks.' You don't want them to get hurt or lose tens of thousands of dollars, but try different things and make an effort, when you can, to look at what other folks are doing and what things you can do. Get a sense from your community of what they want. These are things many chiefs and sheriffs already are doing.

I don't have a crystal ball; I'm no smarter than the next guy. There is nothing magical about anything we are doing here. I just got lucky and was recognized

for something a lot of people are doing.

I think if you took any of these chiefs and interviewed them, you'd find many doing similar things and maybe even more exciting things. People just don't know about them. For me to say if everybody did this, they'd have these successes would be preposterous. But for me, it was intentionally creating opportunities to obtain a diverse amount of experience based on exposure to many different agencies, chiefs and types of thinking that was helpful to me. There is no model to some of that.

Overall, I recommend keeping an open mind and looking for different ways to do things, and allow your people to be innovative. 🌩

Abbie Darst can be reached at abbie.darst@ky.gov or (859) 622-6453.



▲ Police department Custodian David Berry was the department's first recipient of the 212 Degree award, for his dedication to excellence in his job. Berry is the only custodian responsible for the upkeep of the entire facility.

► The Elizabethtown Police Department's 212 Degree award is based on this book. The premise is at 211 degrees water is hot, at 212 it boils and turns to steam. Steam can power a locomotive. The award is given to someone who exhibits excellence every day by cranking it up to that 212 degrees and hitting it hard, Chief Schiller said.

PHOTOS BY JIM ROBERTSON



PREPARING FOR THE WORST

ABBIE DARST | PROGRAM COORDINATOR

Recent Joint Exercises Put Emphasis on Reality

As of early November, 13 active-shooter incidents have rocked the nation in 2013. The national count of similar incidents climbs annually, leaving behind glaring headlines and shattered lives. At the International Association of Chiefs of Police conference in October, Attorney General Eric Holder called for more aggressive law enforcement response for active-shooter incidents.

On the cutting edge of that call stands the Berea Police Department, which recently coordinated a multi-agency, large-scale active-shooter exercise. The

exercise took place on Berea College campus, simulating a school shooting. College students participated in the scenario, adding realism to the response and portraying gunshot victims in need of medical assistance.

"It was a great opportunity to experience stress levels with panicked students all around," said Berea Police Chief David Gregory. "The chaos put a lot of stress in the officers' response and they truly experienced the fatigue factors involved in not only eliminating the threat, but then turning their efforts to victim rescue." >>



>> Focused on protection, mitigation, response and recovery, the exercise included first responders from the

- Berea Police Department
- Richmond Police Department
- Kentucky State Police Post 7
- Madison County Sheriff's Office
- Eastern Kentucky University Police Department
- Madison County Emergency Services
- Berea Fire Department

"We learned a lot about communication issues between agencies," Gregory said. "If [an agency] has a school in [its] community, its officers should experience this type of exercise — even if it's just a table top — to work through all the logistics before an incident ever occurs."

In early spring, two Berea officers attended the Department of Criminal Justice Training's Rapid Deployment Coordinators course and then trained every officer in the department on active-shooter response techniques and protocol. Along with upgrading equipment, Gregory said their officers were prepared for how to respond when the exercise call went out.

"We got very familiar with the training," he said. "We were able to train, train, train all summer, and then put it all to use in the closest situation to a real-world event as we could get." 🗺️

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E-WARRANTS:

Revolutionizing the Warrant-Service Process

SHERIFF CRAIG PEOPLES | PENDLETON COUNTY, KY
ABBIE DARST | PROGRAM COORDINATOR

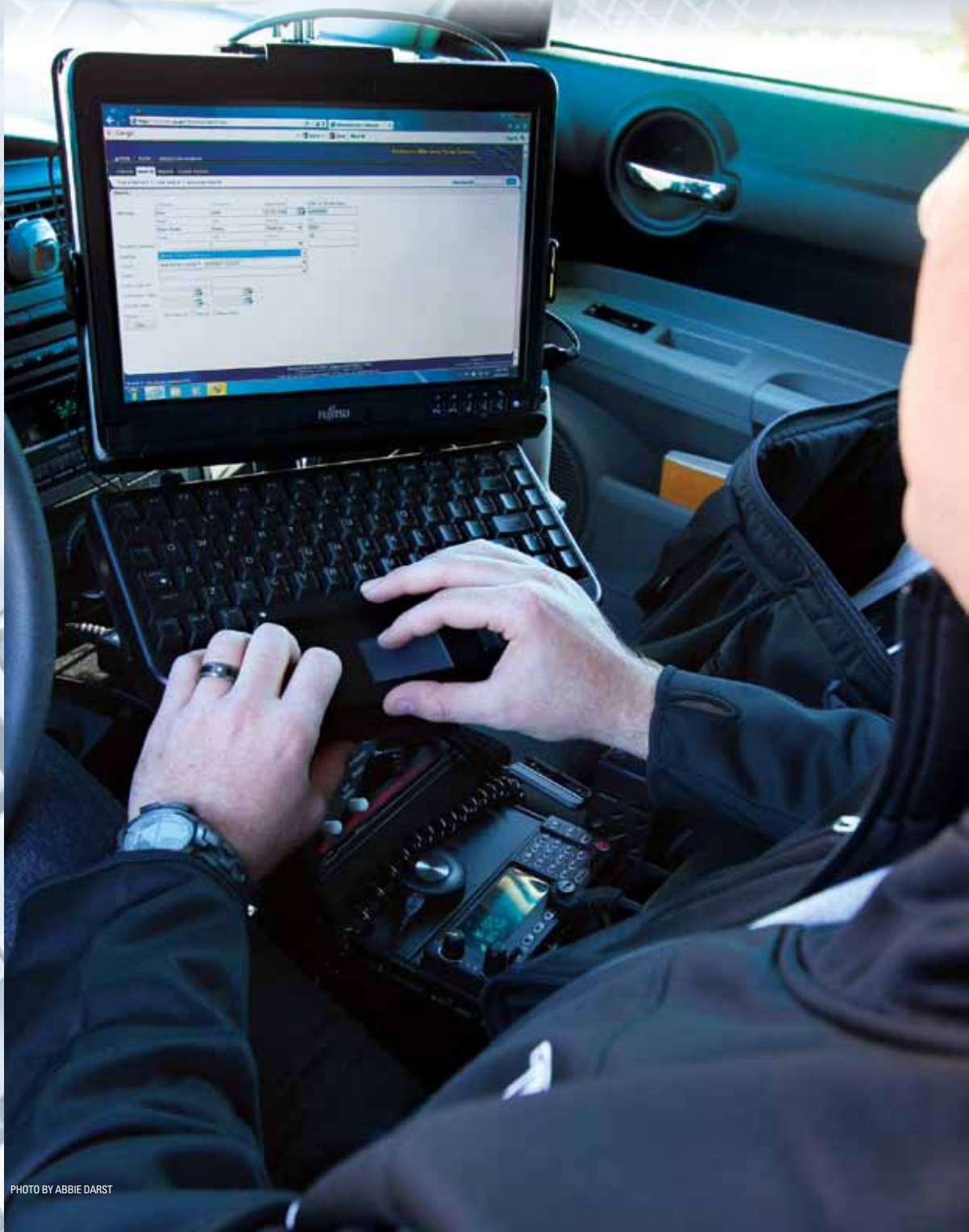


PHOTO BY ABBIE DARST

We are serving more warrants than we've ever served. When you can serve 80 percent of the warrants that are issued, that's amazing. Back in the paper world, we were lucky to get 10 percent served.

In September 2000, Benjamin Mills killed his estranged girlfriend, Rebecca Caldwell. Mills confessed to the crime and now is serving a life sentence — but the crime could have been avoided. Court records showed a warrant for Mills' arrest on domestic violence charges was issued before the killing. But by the time the warrant was ready to be served — six days later — it was too late for Rebecca Caldwell.

A 2005 survey revealed Kentucky faced a backlog of more than 265,000 unserved warrants. In addition, there was minimum accountability on paper warrants (many were lost), the rate of entry into the Law Information Network of Kentucky and National Crime Information Center systems was below 6 percent and there was no 24/7 access statewide. The Commonwealth of Kentucky, Kentucky State Police, Kentucky Office of Homeland Security, Administrative Office of the Courts and Kentucky Attorney General teamed up to find a better way to serve the state's warrants.

The result was e-Warrants, an electronic repository for instruments requiring service by law enforcement officers. E-Warrants is accessible by computer, smartphone and tablet through Internet connection.

First launched in early 2008 in Jefferson County, it took several years for e-Warrants systems to be implemented across the state. The final county to go live with the e-Warrants system was Knox County in December 2011. Currently there are 10,710 active users of the e-Warrants system, including personnel from law enforcement, dispatch, corrections, county attorneys' offices, commonwealth attorneys' offices, circuit court clerks' offices and judges.

The e-Warrants system proved its effectiveness right from the start. For instance,

in April 2008, a Louisville Metro detective provided a sworn statement to a Jefferson County mediation clerk to secure an arrest warrant for Kenneth P. Gatewood for murder, first-degree robbery and tampering with physical evidence. The complaint was issued by the county attorney at 1:35 p.m., the warrant was approved by a judge at 1:45 p.m. and entered into LINK at 2 p.m. By 3:30 the next morning, Gatewood was arrested.

A process that used to take up to six days was complete in just 15 hours.

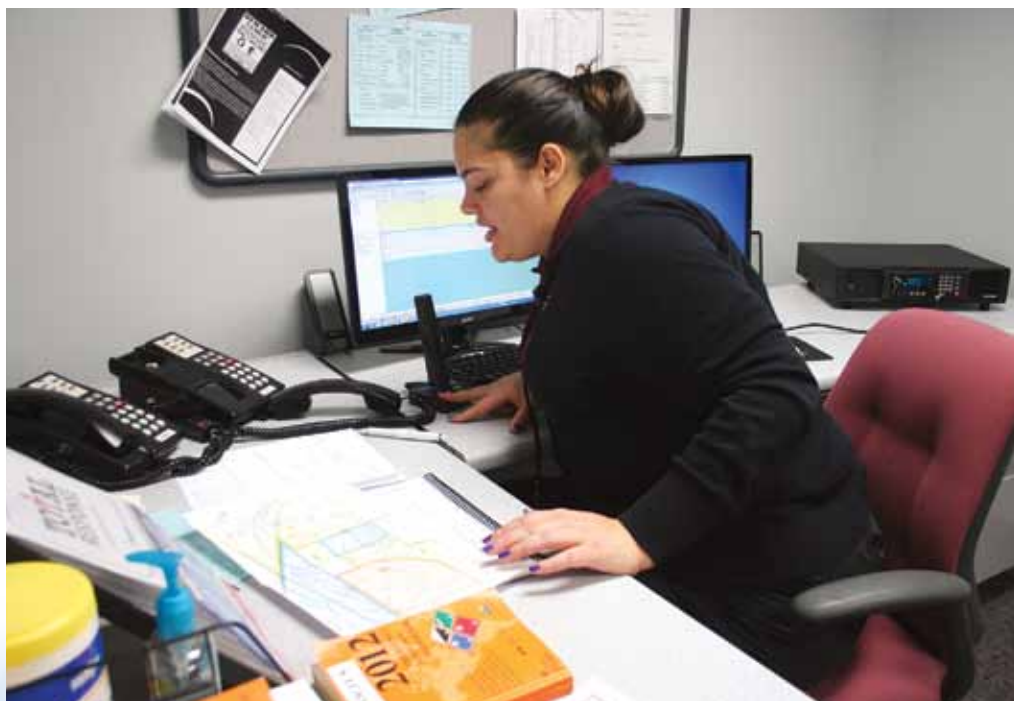
E-Warrants is efficient, cost effective, more organized, less expensive and provides something everyone is concerned about, and that's officer safety.

SAFETY

"If we know this particular suspect is someone who has a prior assault on a >>

▼ The Department of Criminal Justice Training began its e-Warrants system training with public safety dispatch trainees. The training has since expanded into the law enforcement basic training curriculum.

PHOTO BY ABBIE DARST



The screenshot shows a web browser window with the URL `ewarrants.ky.gov/Warrants/Search.aspx`. The page has a navigation bar with links for `Logout Cody Shepherd`, `Reports`, and `Crystal Reports`. Below the navigation bar, there are tabs for `EAR Search` and `Advanced Search`. The main search form contains the following fields:

Last Name	First Name	Date of Birth	SSN (or ID Number)
Doe	John	01/01/1985	40000000

Below the search form, there are dropdown menus for `City` and `County`. The `City` dropdown is set to `Berea` and the `County` dropdown is set to `Madison`. Below these, there are checkboxes for `Unserved`, `Served`, and `Rescinded`. The `Unserved` checkbox is checked.

>> police officer, even if that is not what they are being charged with, we can put a note in e-Warrants,” said Adrienne Earley, division chief for the Jefferson County Attorney’s Office. “That way when officers pull up e-Warrants on their mobile-data or desktop computers, they’ll see that and they’ll know who they’re dealing with, even if it’s a shoplifting or theft case.”

“If you put it into e-Warrants, you know I’ve read it,” added Deputy Charles Gadberry of the Oldham County Sheriff’s Office. “I know it’s there. It makes my job safer and easier. Addresses, cities, you name it, you can search by it and it gives you that ability to really concentrate on that area, if you have a problem area.”

E-Warrants has improved community safety as well.

“It allows us to protect our victims much quicker,” said Assistant Bullitt County Attorney Shelly Alvey. “Because we can file the charges, have them in the system and the person arrested before they realize that a complaint has been taken.”

Since e-Warrants has a real-time interface with the National Instant Check System, individuals prohibited from buying a gun because of an NICS disqualifier are blocked with a simple system that would take much longer if done manually.

CONVENIENCE

In the old paper-warrants world, officers spent time and money delivering warrants to the judge to sign. In small communities, the judge might only be in town one day a week.

Judge Donald Armstrong, president of the Kentucky District Judges’ Association, likes the convenience of being able to review and sign warrants from his smartphone. A self-described University of Louisville fan, Armstrong appreciates that officers no longer have to find him in a 55,000-seat stadium.

“I don’t have to leave the venue,” he said. “I don’t have to leave anything. I can go to my grandson’s baseball games, and I can sign a warrant sitting in the stands.”

PHOTO BY ABBIE DARST

Bullitt County Attorney Monica Robinson also appreciates the convenience of e-Warrants.

"We live in a time of instant notification," said Robinson. "If the criminals can communicate with each other instantly, whether that's by cellphone, computer, email or whatever mechanism they use, our law enforcement needs to be able to do the same thing."

Once a warrant is authorized by a judge, it's instantly servable — officers can print out the arrest warrant from their computer and serve it then and there.

"We are serving more warrants than we've ever served," Armstrong said. "When you can serve 80 percent of the warrants that are issued, that's amazing. Back in the paper world, we were lucky to get 10 percent served. And we are getting people in front of the courts so they can address the issue."

QUALITY DATA

Fully electronic creation also allows for validation and data requirements, ensuring that all addresses, offender information and other information is captured the same way. Even if a law enforcement officer does the bare minimum, the amount of information being shared among law enforcement is still exponentially larger than previously in a paper system or local records system.

"You cannot make a mistake," Earley said. "It does not allow you to make a mistake. If you miss a field, or if you miss entering something, it will not let you go on to the next field until you have put the necessary information into e-Warrants."

E-Warrants allows officers to serve large numbers of warrants by giving them efficient tools to organize the workload. The information is searchable, not just by charges and offenders, but by anything entered through creation and/or updates, as well.

"Having access to statewide warrants," Gadberry said, "is like having multiple filing cabinets in my car."

No duplicate data entry is necessary for the NCIC or LINK, and e-Warrants' routing feature helps agencies communicate.

All work is date and time stamped. When anyone opens an e-Warrant, it leaves an electronic fingerprint.

"It allows us to know numbers: how many warrants are being rejected, how many are being issued, how quickly they're being issued, how quickly they're being served," Earley said. "It's a much more flexible and accessible database. I think having that information at our fingertips creates better accountability for everyone involved in the system."

If a warrant is recalled or rescinded it is immediately pulled from the system, including NCIC and LINK, resulting in fewer false arrest claims.

Since e-Warrants implementation in all 120 Kentucky counties, the Department of Criminal Justice Training has ramped up its training on the system. Previously, 911 dispatchers received a portion of training on e-Warrants as part of their Criminal Justice Information Systems training. This past year, e-Warrants training was added into the basic law enforcement training curriculum, and the curriculum has been expanded for the 2014 training schedule.

COST EFFECTIVE

Serving more warrants means reduced costs related to paper, fax, travel and labor hours, as well as collecting more court costs. Since e-Warrants began, 523,730 warrants have been served. About 130,932 offenders paid court costs, so the Commonwealth of Kentucky collected more than \$17.7 million while whittling the backlog of warrants.

"We know everything comes down to budget issues, nobody can have enough bodies," Gadberry said. "This helps with not having so many bodies. You're able to do more with less." ■

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New Subjects Highlight DOJT's 2014 In-Service Class Schedule

From social media investigations
to insights on domestic violence,
added courses provide opportunities
to augment your training

DISTANCE LEARNING

Kentucky Law Enforcement Support Team (Online)

Students will participate in a variety of problem-solving exercises designed to enhance customer service and communication skills. This course is eight hours, and students are allotted five days to complete the online lessons. There is no specific schedule for this course, and it can be completed at the convenience of the student and agency in the allotted time frame.

LEADERSHIP

Grant Writing for the Practitioner (Expanded)

Students have the opportunity to complete a formal grant application working in a group. The course reviews various

components of a typical grant-funded application. General guidelines and procedures also are presented during the three-day course. In addition to completing a large grant application, students also are exposed to smaller one-time-money grant applications. Students that have taken previous Department of Criminal Justice Training grant courses often report back on receiving funding due largely to their participation in the course.

INVESTIGATION

Cyber Investigations 335 — Advanced Wireless Network Investigations

This course focuses on techniques and methodologies used in locating wireless devices connected to wireless networks. Course material covers standards and

best practices for using free and low-cost hardware and software solutions to locate wireless devices, whether the devices of interest are desktops, laptops, tablets, wireless storage devices, Wi-Fi-enabled cellular phones or other devices. Students will also learn the differences among wireless networking standards and how these differences can affect physically locating devices, how to conduct a detailed, wireless-site survey and relevant legal concerns and considerations. At its conclusion, students will be well-versed in gathering device and network configuration information wirelessly and will gain practical experience using specialized hardware and software to locate wireless devices.



PHOTO BY JIM ROBERTSON

Domestic Abuse Investigations

The skills of law enforcement officers who are responsible for investigating sexual assaults will be enhanced through this course. Topics include the dynamics of domestic violence, probable cause determination techniques in domestic violence cases, evidence gathering and federal and state laws that pertain to domestic violence.

Social Media and Internet Investigations

This is a comprehensive overview of social networking and offenses associated with social media. Topics covered include: writing preservation letters, subpoenas, court orders and warrants; understanding undercover social networking, agency policy and social media; learning reporting guidelines for the National Center for Missing and Exploited Children, social media and mobile devices; and addressing cyber stalking, child exploitation, identity theft and fraud.

Criminal Investigations for First Responders

Patrol personnel will be provided with training necessary to conduct basic criminal investigations. Topics include: investigating domestic violence dispatches, crime scene photography, interviewing the victim and witness, preliminary child-abuse investigations and documenting findings.

ADVANCED TELECOMMUNICATIONS Critical Incident Training for Dispatchers

Dispatchers are trained to more effectively interact with persons with psychiatric disabilities. The course uses verbal

de-escalation techniques and active listening skills to help dispatchers obtain information, provide the proper response, and enhance officer safety in calls involving people who are mentally ill.

Maintaining a Professional Image

Stress and wellness management for dispatchers are covered in this course. Topics include the importance of maintaining a professional image, and stress associated with tragedies such as weather-related incidents, lost, and missing persons. It also covers stress that occurs when a tragedy hits close to home and positive ways to deal with that stress. The importance of keeping a positive image and attitude in the communications center to ensure professionalism is addressed.

Domestic Violence Roles and Resources

Dispatchers learn to handle domestic violence calls, including those involving public safety families. The mindset of the victim and perpetrator as well as that of the dispatcher is discussed. Other topics include: vital information on domestic violence resources including the role of the court designated worker, social services and domestic violence advocates, as well as using Victim Information Notification Everyday.

This class is also available as an online course through distance learning.

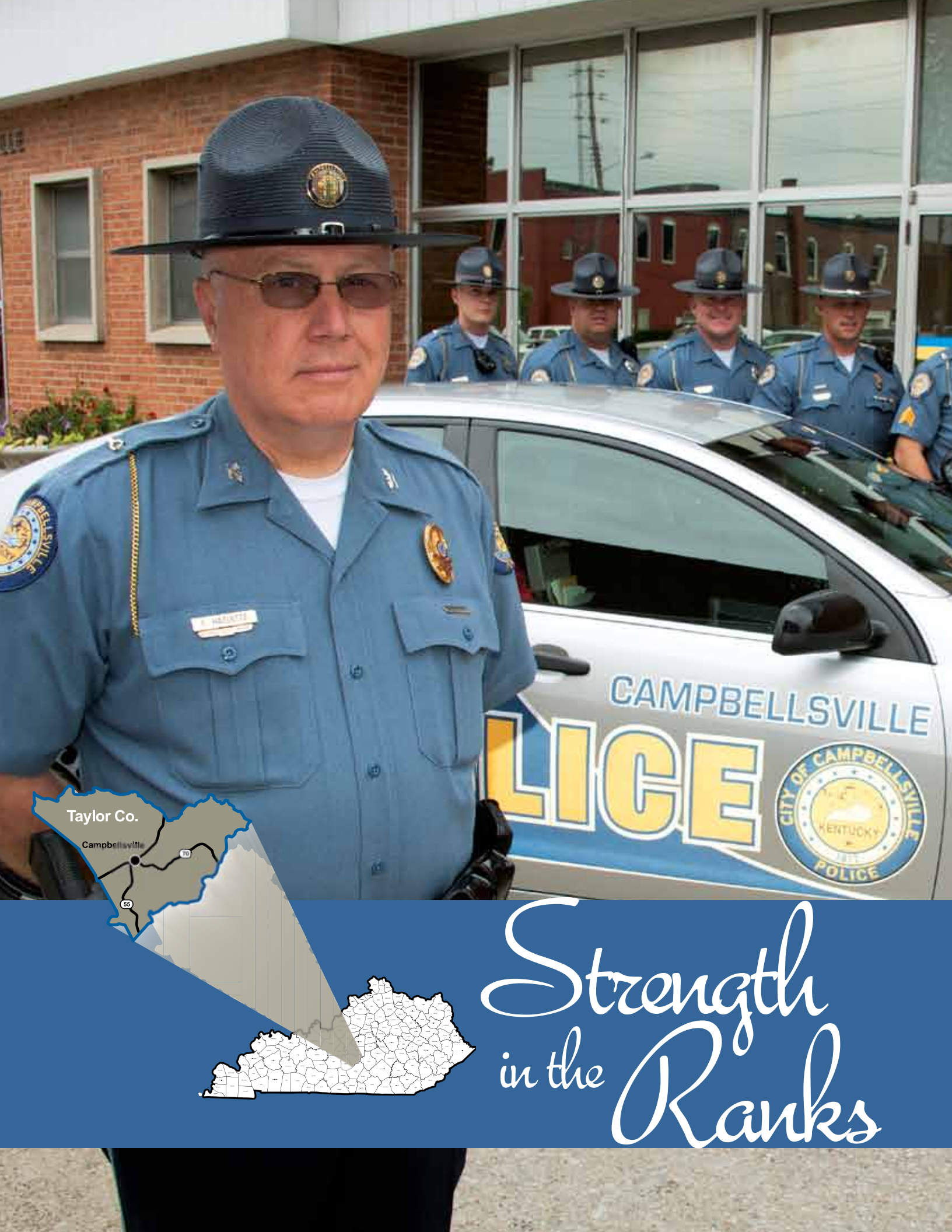
Ethics for Dispatchers: Career Survival

This course will provide the dispatcher with vital information to make sound ethical decisions. Topics include: the Six Pillars of Character, morals and values. The concept of the Continuum of Compromise also is explored. The dispatcher will be able to use this valuable information when faced with ethical dilemmas which will ensure their career survival in the communications center.

This class is also available as an online course through distance learning.



PHOTO BY ELIZABETH THOMAS



Taylor Co.

Campbellsville

Strength
in the
Ranks



A seemingly typical department in a third class city in south central Kentucky, the Campbellsville Police Department may not seem extraordinary at first glance. But, peacefully situated between Campbellsville University and one of the last known standing Druthers' restaurants, Campbellsville finds its strengths in its exceptional personnel and the balance of professionalism and tradition.

"Our people are our strength — that's what makes this place good," said Campbellsville Police Chief Tim Hazlette.

"You're only as good as the people that get out in the field and perform for you," agreed Dep. Chief Patricia Thompson. "We have some of the best officers in the state — I'd put them up against anybody. They are reliable, dependable, work hard and really have that family sense and take care of each other. They make us look good."

When Hazlette took over as chief nearly two years ago, his and the mayor's agreed focus was on supporting and bettering this dedicated staff.

"The mayor gave me two goals — maintain accreditation and develop succession leadership within the agency," Hazlette recalled. "Had they had that, I wouldn't be here. Previously, no one had been developed and molded to take over in leadership positions."

Within his first 30 days as chief, Hazlette, a retired 25-year veteran of the Kentucky State Police, began aligning the agency's organizational structure to accomplish its mission and goals. Taking into account seniority, organizational experience and institutional knowledge, Hazlette identified officers with potential, to develop into effective department leaders. Thompson, the department's only female officer and one of the longest serving, was named to the newly created deputy chief position. Together, Hazlette and Thompson revamped training and created career-training paths for each officer.

"We wanted to expose [everyone] to different environments and ways of doing things to build their resources, their knowledge pool and their confidence," Hazlette said. "That was the issue. It was not a competence issue, but a confidence issue — that was lacking here."

"And we wanted to stretch them, so we raised the bar," Hazlette continued. "When doing physical fitness, when you start stretching, you get a little sore. It's not always pleasant, but it pays dividends when you get past it. We've gone through growing pains and learned some things." >>

Campbellsville Police Department

ABBIE DARST | PROGRAM COORDINATOR

>> A NEW GAME PLAN

In an effort to deliver the best possible service to Campbellsville's citizens, Hazlette encouraged and motivated his officers to engage in proactive patrol.

"We found we were largely reactive in nature, and we aren't doing the job if we are just reactive; we have to be proactive," he said. "We're looking for outcomes, not outputs. I can have someone write tickets all day long and have a lot of output, but not a lot of outcome."

The push for proactive patrol was twofold for the Campbellsville Police Department. A schedule overhaul allowed more officers to be present during the busiest hours. Previously, officers worked 10-hour shifts with a rotation that allowed for only two officers on duty at any given time.

"Our deployment didn't match our call volume," Hazlette recalled.

By changing the schedule to 12-hour shifts with an overlap in shifts, four to five officers now are on patrol at any given

time, increasing visibility for Campbellsville's citizens.

"We get good feedback from the public commenting on visibility," Hazlette said. "We really push visibility here — it goes back to the proactive approach."

In addition to increased visibility, having more officers on the street gives officers more freedom to plan their shifts, and not be so tied to the radio, Hazlette said.

"I want them to have more of a hunter's mindset," he explained. "When someone goes out to hunt, he scouts out the territory and watches it for a while. He sees the deer and tracks them."

"Similarly, I want my officers to have a plan every day of what they want to do when they come to work," Hazlette continued. "Not one given to them, but an investment they have. They should be watching the community and figuring out who's responsible for the criminal acts and violations of the law, and patrol in such a way that they cut those folks off or intercept them."

For officers Roy Rogers and Scotty Perian, this is a concept to which they have adapted well, through two different methods.

Rogers, a three-year veteran of the department and former Marine, says making time for people is his favorite part of the job.

"I love interacting with people, making a difference and striving to break that 'jerk cop' stereotype that exists in culture," Rogers said.

Rogers takes on a public relations role while patrolling the streets of Campbellsville, stopping at local businesses and restaurants and getting out of his cruiser to talk with citizens.

Three-year veteran Perian on the other hand, chooses to define visibility with more emphasis on enforcement — with drug dealing and abuse as his top adversaries. Like many communities across Kentucky, Campbellsville is no stranger to both prescription-drug abuse and its latest successor, heroin. For a city with a relatively low violent-crime rate, drug abuse and drug-related crime, such as theft, accounts for a large percentage of the agency's calls.

"My motivation is to help stop the drug problem," he said. "They say you can't make a difference because you can't catch them all. But the way I see it is I may not

Campbellsville Officer Roy Rogers visits a local barber shop during his patrol shift. Interacting with community members and building rapport is a priority for Rogers.

PHOTO BY JIM ROBERTSON



catch them all, but I probably saved someone's life that night or stopped something from hitting the street or kept it away from a child."

LOOKING FORWARD

Despite their varied approach to policing and increased visibility, Rogers and Perian appreciate the dedication and professionalism exhibited by their chief.

▼ Campbellsville Officer Scotty Ray Perian calls into dispatch for information on an individual he has pulled over. Perian stopped the car leaving a known drug-dealer's home. Curbing the drug issues in Campbellsville is Perian's top priority.



PHOTO BY JIM ROBERTSON

"He's very forward [thinking]," Perian said. "He is more hands on with us. He doesn't sit in his office; he stops cars, answers complaints, works on shift. If you have a problem, he'll do his best to help you. He'll listen and try to find a resolution to the problem. He enjoys his job and is relaxed, which makes you more relaxed and, therefore, you perform your job better."

Because Hazlette makes himself available and present on the street with the officers, he also knows the equipment needs of his personnel.

"He realized we were really lacking in equipment — our fleet was aging and our bullet-proof vests were outdated," Roger recalled. "He bought new vests and had them fitted and purchased five new cars to get the older ones off the road."

In addition, the agency placed computers and printers in patrol cars and made sure all evidence-gathering equipment was available to all officers.

"Our philosophy here is to have generalists," Hazlette said. "I want them to be able to do everything — work a call from beginning to end and not call in a detective."

"They hadn't been that way before ... they had been accustomed to calling in someone else in an investigation — but it makes them better," he continued. "If you want to learn how to do something, you have to do it."

Despite the tweaks and changes Campbellsville has undergone in recent years,

▼ Campbellsville Chief Tim Hazlette and Deputy Chief Patricia Thompson look over an incident management map of Campbellsville. Thompson is the agency's first deputy chief.



PHOTO BY JIM ROBERTSON

the department continues to build on its strengths — supporting its personnel. Holding at its full force of 22 officers, Campbellsville boasts of high officer retention, Thompson said.

"For the most part they stay once they get here," she said. "We have good benefits, good pay and great equipment to work with."

With an 11-year history of serving as an accreditation on-site assessor for the Commission on Accreditation for Law Enforcement Agencies, or CALEA, Hazlette is always discovering best methods and resourceful solutions that push departments forward and increase effectiveness.

"If you see there is a better way to do something, you can bring those good ideas back (to the department) and adapt them to your needs," he said. "Why not capitalize on things that others have had success with, if they work for what you need?"

"We're always striving for improvement," Hazlette added.

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The University Impact

Having Campbellsville University right in the middle of their jurisdiction has its benefits and challenges. As a relatively small college of about 3,000 students, Campbellsville University does not have its own sworn law enforcement agency. The Campbellsville Police Department is responsible for handling all calls for service and criminal activity on campus.

According to Campbellsville University President Michael Carter, the total economic impact of the university on the community is almost \$101 million annually, mainly through jobs and taxes, which tremendously bolsters the local economy.

But one of the challenges the university also brings is its diverse population. Campbellsville boasts one of the highest foreign-student populations per capita of Kentucky universities. About 10 percent of the student population hails from a different country. Resulting cultural differences and language barriers have presented various challenges to the Campbellsville Police Department, as well.

Louisville Metro Police Department unveiled a tactical medical kit earlier this year, which was issued to all officers in the department. Including bandages, gloves and a tourniquet, the supplies already have proven valuable on the street in instances of severe gunshot wounds.

PHOTOS BY JIM ROBERTSON





'GREAT LIFE INSURANCE'

— OFFICERS TALK TRAUMA KITS, MEDICAL TRAINING

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

"It's a bad feeling when you see a guy, he's shot, he's bleeding out, and all the family members are looking at you like, 'Why aren't you doing something?'"

"Now you can actually do something," said Louisville Metro Police Officer Brandon Hogan. "We have the tools to help them as much as we can, beyond just calling EMS and waiting."

This spring, LMPD issued medical trauma kits to the department's 1,287 officers. Included in these kits are a tourniquet, modular bandage, nitrile gloves and EZ-gauze, said LMPD Police Surgeon Bill Smock.

"This is something every officer needs with them while they're on duty," Smock said. "We have learned from the military that tourniquets are saving more lives than any other single device. You have to stop the bleeding first."

Twice LMPD Officer Paul Humphrey has experienced the value of the medical equipment he carries with him on the streets of Louisville.

"The first one, we were doing surveillance — me and another officer — and a shooting came out just a block away," Humphrey explained. "When we got there, it was a male who had received a gunshot wound to his upper groin and had arterial bleeding."

Although at the time, LMPD had not yet issued trauma kits, he and his partner, both SWAT team members, already carried emergency supplies with them daily.

"I keep a tourniquet on my vest, so I just grabbed it off, put it on, and it immediately stopped the bleeding," he said. "We were probably on scene for 45 seconds and he went from being able to mumble his name to being unconscious. But as soon as we tightened down the tourniquet he woke up immediately. His blood pressure went back up and he could talk."

The victim survived what could have been a fatal wound, Humphrey said. Almost exactly one year later, it happened again. This time, a victim was shot six times in his legs. Humphrey applied a tourniquet and saved another life.

"On the first one, I was amazed by how well it worked," Humphrey said. "I had trained and trained and trained — put them on myself time and time again, put them on other officers. He literally went from being unconscious to awake in a matter of seconds. Basically, the blood pressure drops and you restore the blood pressure when you pinch off that artery. It was pretty amazing to see."

Even in a city the size of Louisville, where emergency medical services are more readily available than in smaller >>





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*I don't carry it for people on the street.
This stuff is for me. And the fact of
the matter is, there's not an expense
I wouldn't go through and there's
not any effort I wouldn't make to make
sure I get home to my kids at night.*

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>> communities, law enforcement usually will be the first to arrive on scene during a call for help, Smock said. For this reason, he said more and more agencies are recognizing the importance of providing medical equipment to officers.

For example, at the 2011 shooting of U.S. Representative Gabrielle Giffords in Arizona, 19 people were wounded and six were killed. Tourniquets and other trauma dressings were applied by officers to many of the victims to control their blood loss while they awaited help.

While the life-saving quality of the supplies are a great tool for critically-injured citizens, Smock stressed the importance of officers having the equipment available to protect and possibly save themselves, too.

“I think it's extremely important to have these kits available to officers wherever they are in the commonwealth,” Smock said. “We don't want any officer to die a preventable death had they been able to control their blood loss. These kits cost





about \$35 and the tourniquet itself costs about \$25. It's great life insurance."

There are two tourniquets Smock recommends for law enforcement use. The first is a SOF-T wide tourniquet — included in LMPD-provided trauma kits. The second is a Combat Application Tourniquet. Both, he said, are small enough to wear on a duty belt, easy to use and effective. They also can be applied single handedly if officers need to treat themselves.

There are benefits and drawbacks to both, Hogan and Humphrey said. The CAT tourniquet's closure mechanism is all plastic and some have expressed concern that it might break under pressure, particularly in extreme cold. The benefit to the CAT, however, is that it can be left on the victim through x-rays, MRI's and more, Humphrey said.

The SOF-T tourniquet, in contrast, has a metal windless clasp which can be opened and closed. On one hand, Hogan said, it can make application a little easier, and once it's clasped, it won't unwind.

"You can pull it through and it clamps down on itself, and it's not going anywhere," Hogan said.

In a pinch, tourniquets also can be fabricated from other materials. In Indiana, a K-9 officer saved a wounded officer by improvising a tourniquet from a dog lead, Smock said.

"A lot of people get caught up in the complaint that they already carry too much stuff," Humphrey said. "But the tourniquet weighs four or five ounces. The quick clot, the chest seal — all together it weighs less than a pound. It all fits on the straps of my vest or in the trauma panel in my vest. It's not uncomfortable, it's very light, and if you need it, you're going to want to have it within reach."

Before he had the opportunity to help the two victims with emergency medical supplies, Humphrey said he had not considered using them on the street. He purchased his tourniquet and other items to >>

When releasing tourniquets as part of the LMPD trauma kits, the department referenced military data indicating that nearly two-thirds of combat deaths are the result of major blood loss and can be prevented. The same theory applies in critical incident situations in which Kentucky's officers are called to assist.

PHOTOS BY JIM ROBERTSON



>> use if he or his partner ever needed them. Being able to use them to save other lives, however, is a great feeling, he said.

"I don't carry it for people on the street," he said. "This stuff is for me. And the fact of the matter is, there's not an expense I wouldn't go through and there's not any effort I wouldn't make to make sure I get home to my kids at night. I go to the gym, I work out, I make sure I'm tactically sound, I make sure my partners are on top of their game, and I do the little bit extra to make sure I go home to my kids at night. That way, if anything ever happens, my wife and kids can rest comfortably knowing that I did everything I could to make sure I got back to them."

"I want to have a good quality of life," Humphrey continued. "I don't want to bleed out to the point I get brain damage and somebody saves me at that point. We take an inherent risk in this job. I'm going to do everything I can to minimize that risk. If that means a \$25 piece of equipment that weighs five ounces I can carry on myself, so be it."

LIABILITY

In a society where frivolous litigation is often a concern, officers daily consider the consequences of their actions. Even in a situation where their actions include saving a life, risks still have to be weighed.

However, Dr. Smock suggests when using simple medical equipment like a tourniquet or trauma dressings, officers should not second guess their decision to help where they can.

"Officers should not be afraid to apply a tourniquet," he insisted. "That should be out the window. Stopping the loss of blood is of primary importance and should be the first step in a bullet wound, blast or crush injury."

"Nothing that we're using is dangerous," Humphrey reiterated. "I can put it on you as tight as I want. There's a slight risk of nerve damage, but that is extremely slight and odds are it won't occur. There used to be a real stigma against tourniquets and people were concerned they would end up having to sever a limb. But that was the old-school way of thinking,

Now, from the Iraq war and Afghanistan we have learned so much. Guys with fatal wounds are staying alive for hours and hours, just on a tourniquet."

Humphrey and Hogan developed a 16-hour course at LMPD to train officers extensively in the use of this equipment. As part of that class, Hogan said, they tell their fellow officers that opting to treat a victim while waiting for EMS is a choice they have to make themselves.

"It's a personal decision," Hogan said. "If somebody is laying there dying, you have to decide if you're willing to take that risk of legal liability. I am. If somebody is going to die, I'm ok with taking the risk of getting sued. If I try to help them and it doesn't work out, that's just the way it happens."

Humphrey agreed.

"Legally, you are not required to do anything beyond your capabilities," he said. "So it is your choice what level of aid you're going to give someone. You have to weigh the risk and the rewards as far as putting it on other people."



Even with his extensive training and two successful applications, Humphrey said he still hesitates to render aid — not because of the liability — but for personal safety issues.

“Gloves or not, odds are you’re getting covered in blood,” he said. “I was in shorts and a t-shirt, had blood up to my elbows, in my shoes, on my legs — you have to go through that whole process. That has to be a risk you assess and decide whether or not you’re willing to take it. That’s one of those things that when you’re dealing with the situation you may not think about at the time.”

A GREAT BENEFIT

Kentucky Department of Fish and Wildlife Resources Officer Rich Waite acquired his medical training before his gun and badge. He considers his medical training a great benefit to his law enforcement career.

In the mid-90s, Waite attended Eastern Kentucky University’s fire protection program. At the time, he volunteered as a rescue squad member and decided to take an EMT course at ECU. When he joined KDFWR in 2001, his skills helped him transition easily.

“At Fish and Wildlife, we’re an oddity anyway,” Waite said. “Quite often we get called to the scenes of accidents of any nature, especially on the water, where we have to get patients and bring them to the ambulance, or get the ambulance crew and then find the patient. Quite often I have provided medical care to patients between the time we get to them at the scene and get them to an ambulance.

In addition to his law enforcement service, Waite also works for Jackson County EMS, and carries the trauma bag provided by them and an automated external defibrillator in his cruiser. Using a tourniquet and other medical supplies has become a regular part of his law enforcement duties.

“We have had severe boat accidents — a foot cut off right outside the dock in a skiing accident,” Waite said. “We deal with propeller strikes and boating accidents. What we can do, we do very quickly and effectively. Often if we don’t stop the bleeding, they’re not going to be alive by the time we get them to the ambulance.”

Officers don’t need to wait for their agencies to issue them a trauma kit to maintain effective medical supplies, Waite said.

Trained to serve

Retired Jefferson County Police Officer Bill Wetter remembers a time when rendering aid to citizens was not a choice — it was a critical part of the job. As the first police paramedic certified in Kentucky in 1976, Wetter said he was assigned to a station wagon — not a beat car — and responded to medical calls.

“If you didn’t have a medical call going on, of course, you were a sworn officer in a marked car, so you could take police calls and make traffic stops,” he said. “But you always had to be available when dispatch called for a medical run for service.”

At the time, there were no ambulances or emergency service personnel. Police officers tended to the sick and injured as a daily part of their routine. It wasn’t long until Wetter was asked to attend more training to become an emergency medical technician.

“I took the course and realized I could do so much more out of that station wagon than I had been able to do prior to that training,” Wetter said.

Wetter served full time in the Emergency Medical Services Division of JCPD until 1985 — a division he said was as much a part of the police department as criminal investigations or patrol.

“What we created during that time was a very critical mindset in the officers at the department,” Wetter said. “Whether they were EMS all the time, patrolman, investigators — whatever they were doing, basic medical care was very important. It was important to our chief, it was important to the department and the people of Jefferson County expected it. They expected that when a police officer rolled up on a scene, he or she knew what to do and how to do it correctly prior to the arrival of EMS.

“I just feel like in a profession that places the emphasis first and foremost in everything they do on life safety, saving a life means doing CPR, stopping the bleeding, using the force continuum as we teach them in the academy,” Wetter continued. “First and foremost is to be able to provide the life-saving capabilities that everybody who purports to be a first responder needs to have at a minimum, basic level.” ■



QR code for video

“Considering the threats faced by police officers today, it is no longer acceptable to report for duty with only basic first aid training.”

— Louisville Metro Police Officer Kenneth Betts,
LMPD training video

“Normally your local EMS can put something together for you that will fit inside an ammo can cheaper than you could buy anything at the store,” he said. “If law enforcement does any kind of first aid, it goes well beyond band-aids and ointment. Otherwise, it can wait. If you have to do something between the time you get there and when the ambulance shows up, you’re going to need, at least, big gauze pads and a couple handfuls of clean wrap. Just start putting them on and wrapping them down, putting them on and wrapping them down.”

Waite said he, too, has considered the liability of rendering medical care, but believes the benefits outweigh the risks.

“It goes both ways,” he said. “With liability, you have to act in the capacity in which you’re needed. One of the cardinal rules of EMS is to determine if the scene is safe. Before you ever put on your rubber gloves, make sure it is safe for you to be there. If it is not safe for me to act as an EMT, I don’t have the responsibility to act as an EMT. That may be wrong, but that’s how I’ve always looked at it. But if I feel comfortable that it’s safe for me to act as an EMT, I have a duty to act as a law enforcement officer.” ■

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LESSONS LEARNED

from a successful investigation and prosecution

KYLE EDELEN | U.S. ATTORNEY'S OFFICE

Drug Enforcement Administration Task Force Officer Lynne Thompson glanced at the jurors as they returned to their seats in federal court, following three hours of deliberation. The fate of pain clinic owner, Will Singleton, hung in the balance. As the jurors seated themselves, one of them briefly cracked a smile at Thompson and nodded.

"I knew we had him then," Thompson said.

The four-week trial concluded with the reading of the verdict — guilty on all counts. The jury convicted Singleton, who owned pain clinics in Georgetown and Dry Ridge, on 21 counts of drug trafficking, money laundering, opening and maintaining a drug-involved premise and conspiracy charges.

"This case serves as a model for interagency cooperation in the investigation and prosecution of drug dealers who profit from the misery of others," Harvey said. "The resounding victory won by the prosecution team adds to the mounting evidence that Kentucky jurors have little tolerance for those engaged in the illegal trafficking of prescription drugs, whether as a physician, pill-mill owner or street-level dealer."

The case required investigators and prosecutors from five law enforcement agencies to share responsibilities, operate outside their comfort zones and marshal a mountain of evidence to prove Singleton's guilt.

With an indictment charging different types of drug offenses and complex money-laundering crimes, and with more than a



The owner of this former pain clinic, Will Singleton, was convicted on 21 counts of drug trafficking, money laundering, opening and maintaining a drug-involved premise and conspiracy charges following a four-week trial.

PHOTO SUBMITTED

hundred witnesses to interview in a short time, assistant U.S. attorney and lead prosecutor Ron Walker knew he and his counterparts had to deploy their resources efficiently to build an effective case.

"Generally, one case agent is responsible for knowing every aspect of the case," Walker said.

However, Walker added that requiring an agent to learn all the facets of this case would be too overwhelming with so many moving parts.

"We had to divide and conquer," said IRS Agent Jeff Sagrecy, who investigated the money laundering violations in the case.

According to Sagrecy, the complexities of the case required each agent to develop one aspect of the proof. Each person communicated their findings, sometimes on a daily basis, and shared their knowledge with the team at monthly and then biweekly meetings leading up to the trial.



Will Singleton

"The real benefit of those meetings was that we structured our case as we received new information, [as opposed to trying to fit the new information into a predetermined structure]," Walker said.

Knowing that some of your key witnesses are drug addicts is perhaps the biggest obstacle with prosecuting pain-clinic owners.

"This is a major challenge because you have to have agents and officers who are willing to track them down," Walker said.

"Many addicts are transient or reside in places outside your county of work."

Locating the addicts is only half the battle though.

"It's a huge challenge to get them to tell the truth," Thompson said.

She added that many pill-dependent witnesses don't want to admit their addiction.

[When I interview them] "I let them tell their story first [of how they got started with pills and became addicts] and kind of treat them like they're the victim, and try to build rapport with them," Thompson said.

"We have to put them on the stand in a case like this, so you have to be completely honest with them," said Sagrecy. "You can't tell them they're promised anything for their testimony. If they think you're not being honest with them, they won't trust you and the jury will see that."

In this case, several of the approximate 50 witnesses who testified were either addicts or recovering addicts of prescription drugs.

This case serves as a model for inter-agency cooperation in the investigation and prosecution of drug dealers who profit from the misery of others.

— U.S. Attorney Kerry Harvey

"What you're hoping the jury hears is how their addiction continued as a result of the clinic," Walker said. Given the guilty verdict, it's clear that the jury got the message.

For Thompson, the verdict in this case is personal.

"Before my father passed, he asked if I could do anything about the pill problem in eastern Kentucky."

Maybe not by herself, but with equally dedicated investigators and prosecutors, who communicate and collaborate successfully in cases such as this one — she can answer that question with a smile.

"By stopping Will Singleton, I think about how many people we helped who were addicted to drugs or on the verge of addiction," Thompson said.



» IF YOU HAVE A STORY

about a case that led to a successful conviction and what you learned from it, please send it to kelly.foreman@ky.gov



PHOTO BY JIM ROBERTSON

Guthrie Police Department
Sgt.

John Lancaster

ABBIE DARST | PROGRAM COORDINATOR

“... it just grabbed hold. Like moss growing on a tree — it took me over.”

Sgt. John Lancaster, 39, discovered his zeal for policing right out of high school. And after 17 years in the career, this successful sergeant, trained CIT officer and father of five is still as excited about his career choice as ever. Beginning his career with the Guthrie Police Department in 1996 and then returning to the department in 2005, Lancaster feels like working in Guthrie and serving alongside a chief whom he graduated the academy with, is right where he's supposed to be. As a warm-hearted, compassionate officer, Lancaster helped lead his Academy of Police Supervision class to serve a family in need after a chance encounter with a distressed grandfather at a gas station. That same kindness has allowed him to change the lives of many citizens throughout his career.

Right out of high school I worked at a veterinary clinic in Hopkinsville, working with the Hopkinsville Police Department K-9 officers. I helped take care of their dogs when they were out of town. I learned how to control the dogs and care for them. That was a stepping stone for me for getting into law enforcement. Working with those guys and them mentoring me, going on ride alongs with them and training with them — it just grabbed hold. Like moss growing on a tree — it took me over.

My grandfather was a fire chief in Hopkinsville, my great uncle retired as the deputy chief and my dad as a captain. I think my dad thought I turned my back on the family business by not going on to become a fireman. I was a volunteer fireman — but it just didn't turn my crank. Policing is just what I felt like I needed to do — it's kind of been my calling. I guess most guys who have done this as long as I have, it's in their blood and it's hard to get away.

Then-officers Kerry Hayes and Roger Robinson got into a shootout with some guys right about the time I was riding along with a Hopkinsville K-9 unit. I guess that was the pivotal moment of when I wanted to become a police officer.

I took it very personal that someone would do that to a police officer because I'd been taught that police officers, firefighters, teachers — you give them the utmost respect. Not because of the person they are,

but simply because of their position. For someone to disrespect that, went against everything I'd ever been taught. It was that moment in life when I realized, not everyone's a good person; there are a lot of bad people out there.

While I was attending APS Class No. 51, I stopped in Campbellsville to refuel my vehicle as I was coming back home. I had on a T-shirt that said 'UK obsession' — I'm a wildcat fan and have been since I was able to breathe. I was standing there fueling up and this guy said, 'I like your shirt.' I said, 'Thank you, I'm kind of fond of the Wildcats.' He said, 'We are too. My grandson has been over at the hospital; they have a real nice hospital.'

I told him I was sorry to hear his grandson was there. I said, 'It's never a good thing when a child is there.' He got into his van and told me to have a good day. I said, 'You too and I'll pray for your grandson.' He started to pull away then stopped and threw the door open and came back.

He said, 'You're the only person who has said that.' I asked him his grandson's name and he said 'Samson.' He asked if I wanted to see a picture of him. I'm expecting to see a young boy at the hospital — I don't have any idea what's wrong with him. He shows me a picture of a baby that is about 2 pounds. He said he was born at 25 weeks. It grabbed my heart and squeezed it.

I was trying to muster up something in me to fight back what emotionally wanted to come out. The grandfather was tearing up. He said, 'Thank you, I appreciate it,' and started to drive off, then stopped again. He said thank you again and came over and bear hugged me. I didn't know this guy, I didn't know his name; all I knew was Baby Samson.

It ate at me all weekend. So, on Monday, I stepped up in front of the APS class and told everyone about it. We collected around \$250. We went to Wal-Mart and bought a bunch of easy food you can throw

in the microwave, cokes, waters, snack crackers, busy work puzzles and a teddy bear.

The entire week before we went up there, everyone in the class was calling every doctor or nurse they knew to get information. The most information we got was yes, Baby Samson was there. They eventually found the mom and grandma who were over at the Ronald McDonald House. They came over and met us, and they were just overwhelmed.

It was a really emotional thing for all of us. It really bonded our class together. This experience broke a lot of walls and barriers down, allowing people to talk and be more open.

I've never been a follower — I've always marched to the beat of my own drum as far as being leader. After going through APS, it got me on the path toward leadership.

My biggest challenge is working child sex-abuse cases. I worked 11 of them at one time about two years ago. Thank goodness we haven't had any since then. It would make a sober man want to drink every night. It's very difficult as a father, so I treat each kid as if they were my child in each case. I want to make sure there are no issues with the case. I want it air tight before we take it to the grand jury.

In 2005, I arrested two folks who were severely addicted to crack cocaine. They had been to rehab six, seven or eight times. It made me ill that I was being asked to probate their sentence for rehab again. I challenged them saying, 'I want you to get better, but I don't think you ever will. Prove me wrong.' And they both saw me at our Heritage Days Festival this summer and thanked me and gave me a hug. They've been clean and sober ever since. That's rewarding to know that final time, I finally made a difference for somebody. 🐾

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FACING THE FOUR-LETTER WORD:

FEAR

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

PHOTOS BY **JIM ROBERTSON**

PHOTO ILLUSTRATIONS BY **TRANG BASEHEART**



F E A R



S, T, R, E,

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*So, first of all, let me assert
my firm belief that the
only thing we have to fear
is fear itself — nameless,
unreasoning, unjustified
terror which paralyzes
needed efforts to convert
retreat into advance.*

FRANKLIN D. ROOSEVELT,
PRESIDENTIAL INAUGURAL
ADDRESS, MARCH 4, 1933

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There's a good chance that an article about fear in a law enforcement magazine evokes one of two reactions. Maybe both.

First — cops don't talk about their feelings and *definitely* don't admit to being scared.

Second — maybe there's more to the way you feel than just simple stress.

Fear is undoubtedly an uncomfortable topic among law enforcement, but also one that must be addressed. You may not want to get acquainted with your touchy-feely side, and that's OK. But if you want to stay alive, fear is something you have to face.

"If somebody tells you they've never been scared, they're either insane or they're a liar," said Department of Criminal Justice Training Instructor Barry Blair, who also previously served as a Kentucky State Police Special Response Team member. "You cannot be afraid to acknowledge the presence of fear itself. Fear can cause you to abandon a situation or it can mean simply having a healthy respect. If someone points a gun at me, I can respect what he's capable of with that weapon in his hand.

By simply acknowledging the existence of fear, you can mitigate it and plan for it."

Fear is a survival issue, and not something that makes you weak, said Dr. Chuck Biebel, KSP Employee Assistance Program psychologist. In the simplest of terms, it is a normal reaction to an abnormal situation, he said.

"The idea that fear is a bad thing — that somehow you're weak or not a good officer if you admit fear — is incorrect," Biebel said. "It is an inherent, genetic fight or flight response. The stress response a police officer experiences hasn't changed much over the past 10,000 years. A police officer who walks around the corner and comes face to face with a guy holding a gun is going to, physiologically, have the same >>

>> reaction as an early human who walked around the corner and saw a saber tooth tiger.”

There is much for an officer to fear, with varying types and levels of fear to address. The most critical of these are line-of-duty death or injury. But beyond bodily harm, officers may fear frivolous lawsuits, unfavorable media coverage, public speaking before a courtroom or government body, retribution for decisions made at a scene or ridicule from co-workers about job performance.

Handling these fears in a healthy way allows individuals to protect themselves from physical or emotional injury. Fear that manifests negatively can lead to dangerous situations in which the wrong decision could result in an unfavorable outcome for everyone involved.

THE PHYSIOLOGY OF FEAR: WHAT TO EXPECT

Fear doesn't know how many times you've anticipated your own death. It doesn't know how many times you've trained for scenario after scenario. It doesn't calculate the number of hours you've spent preparing yourself mentally for the most terrifying of calls or gruesome of scenes.

When it strikes, fear floods your body with 30 different types of hormones — the most important of which are epinephrine, norepinephrine and cortisol, Biebel said. Your heart rate increases and your blood pressure spikes.

“Pupils dilate to allow your eyes as much sight as possible,” Biebel continued. “Your veins constrict, which allows more blood to flow to major muscle groups. If you get a chill when you get scared, that's what happening there.”

Glucose levels increase, muscles tense, and smooth muscles relax to allow more oxygen into your lungs. Non-essential systems like the digestive and immune systems, which don't play an active role in an emergency, shut down, Biebel said. Hands become sweaty to give you better grip and your body voids extra weight it doesn't need. >>

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*To him who is in fear,
everything rustles.*

SOPHOCLES,
ANCIENT GREEK TRAGEDIAN

”



AVIATOPHOBIA

Every case of aviophobia is a little different because the core of the problem — the patterns of thinking, the images and sounds that are internally associated with flying — are different in each of us.



ARACHNOPHOBIA

Half of women and 10 percent of men have, to some degree, a fear of spiders, although only a few are physically harmful to humans.



>> That's right. You are designed to wet yourself when you get scared.

The cause of the fear you're experiencing, however, and whether you were surprised by it or prepared for it may play a role in how your body reacts, too, said Tom Atkin, DOCJT instructor and former KSP Special Response Team member.

"There are a lot of factors in determining what is a 'normal' response to fear," Atkin said. "The biggest may be what the event is and to what extent we feel overwhelmed. A passenger in an aircraft who knows he is going to crash may experience any number of physiological responses. That may be much different than a person who is experiencing a critical incident, but feels as if they have some amount (even if limited) control of and/or the ability to respond to the event."

In addition to the physiological responses Biebel addressed, Atkin said an individual in a critical incident may

experience auditory exclusion, tunnel vision (also known as perceptual narrowing), the loss of fine motor skills and a reduced capacity for responding creatively.

"This illustrates the need for stimulus-response centered training that is based on the physical and perceptual changes people experience under extreme stress," Atkin said.

When your body undergoes this cycle of intense fear, the results can range from depression and difficulty sleeping to heart attacks and post-traumatic stress. However, how you handle that fear can determine to what degree these results can affect you.

"It's not just about being scared," said Blair. "It's what happens to you before, during and afterwards. You go through that roller coaster on what you're dealing with. You can have guilt, remorse for whatever your reaction was, things like that. But to me, the most important thing officers can learn is what the normal reactions are for them.

"What are some of the common physiological reactions you experience?" Blair continued. "Loss of bladder control, that is one of those things nobody realized was a physiological response. Nobody talked about it because of the embarrassment or



guilt. But you need to look at your response start to finish and have knowledge about what to expect.”

The good news is that fear does not have to control you. Not only can you train to prepare for it, if you recognize the symptoms that you’re losing control, you can train your body to recover from them.

WHEN FEAR GETS SCARY

While standing in line at his local bank, one off-duty officer began experiencing symptoms of fear-induced stress when the line took too long to move, Biebel said. Two ladies in line with the officer became agitated and were vocal about their complaints. The officer began to panic — what if they go off? What if someone attacks the teller, and I have to respond?

Another officer’s daughter never had the privilege of seeing her dad along the sidelines of her soccer games. He feared scenarios such as someone becoming angry about a call, a fight breaking out amongst parents and players and having to take police action.

These are irrational fears, Biebel said, accompanied by abnormal behavior. Fear and paranoia become a problem when the individual doesn’t return to some state of normalcy following a traumatic event. Experiencing trauma, no matter how prepared for it you are, changes your reality.

“If you’ve been on the road five years, you’re used to traffic stops,” he said. “If you’ve not been shot at, nobody’s tried to >>

“

*I learned that courage
was not the absence of fear,
but the triumph over it.
The brave man is not he
who does not feel afraid,
but he who conquers
that fear.*

NELSON MANDELA,
FORMER SOUTH AFRICAN PRESIDENT

”

“Fear interferes with our ability to appropriately assess and respond to potentially dangerous situations,” Atkin said. “Fear negatively manifests itself in many ways in law enforcement. Not the least of these is avoidance. The basis of most fears

“Fear, in the purest sense of the word, may cause an officer to go home instead of responding to a call involving that circumstance,” Atkin continued. “That fails the purpose and mission of law enforcement. Similarly, an officer without even a healthy respect of negative consequences may be reckless and negligent in action.”

“A lot of times, with shootings in particular, an officer won’t feel upset about what happened from a moral or ethical standpoint,” Biebel said. “So they wonder, ‘If I’m not upset, why am I having these responses?’ For example, somebody having nightmares or night sweats may be wondering why it’s happening. That is normal stress discharge for your body.

“Probably one of the biggest ones we see is outburst of crying — that really freaks officers out,” Biebel continued. “You’re putting your boots on, going to work and you wonder, ‘Why am I crying?’ It doesn’t mean you’re losing control. Crying is a normal way for your body to discharge stress. At least half of the officers I talk to tell me [crying] occurs, and it is probably higher than that.” >>

Fear of public speaking is the most common fear in America, but can be overcome more easily than most other prominent phobias.



“

*We fear things in proportion
to our ignorance of them.*

CHRISTIAN NESTELL BOVEE,
WRITER

”

HOW CAN STRESS INOCULATION HELP?

Stress inoculation is defined as exposure to increasing levels of stress in a controlled environment, Department of Criminal Justice Instructor Barry Blair said.

“It’s like learning to be a long-distance runner,” he continued. “You don’t take off on the first day and run 10 miles. You have to do it in increments. By recognizing self-induced stress and using that to your advantage it can help you get accustomed to being able to function and react under stress — because that’s pretty much what you’re going to have to do for the rest of your career. If you don’t have some type of stress inoculation, you’re going to react wrong a lot of the time.”

Stress inoculation also can be used after a fear-inducing event as treatment to prevent post traumatic stress, said Kentucky State Police psychologist Dr. Chuck Biebel.

“The principle is that if you are exposed to something enough times you will become desensitized to it,” he said. “I have had officers avoid intersections where an incident occurred — who would drive out of their way not to have to go there. What we do is cognitive restructuring and pair that with stress inoculation. We have them close their eyes and envision going to that street and we talk about it.

“We counter the anxiety that’s caused by the traumatic stress with relaxation,” Biebel continued. “If you’re completely calm, you can’t be anxious. What we’re really doing is revisiting the fear so that it doesn’t have the same power over them. With cognitive restructuring, we’re looking at changing what might be counterproductive thoughts — even dysfunctional thoughts — and people might have to challenge those a little bit.” ■

>> JUST BREATHE

Despite the pandemonium your body experiences when you're afraid, there are a number of ways to manage how you prepare for and respond to it.

"Preparation and anticipation are extremely important," Atkin said. "Preparation includes fitness, training, practice, equipping and stress inoculation. The strongest reinforcement is a positive field experience. The next best thing may be a positive training experience under realistic conditions."

Biebel agreed that exercise ranks at the top of the list when it comes to ways officers can help themselves prepare their bodies for fear-induced stress. Stabilizing your body with a healthy, regular diet that

is high in protein and low in carbohydrates helps strengthen your metabolism and keeps your body at its best. Finding a routine that includes getting enough sleep and not allowing your blood sugar to drop will help tremendously when you depend on your body most, he said.

If you find yourself beginning to panic mid-call, controlling your breathing can help.

"A critical factor is the amount of time in which the officer must respond," Atkin said. "If time allows and an officer feels overwhelmed, the first step is to ensure personal safety; moving, if necessary, to a position safe from the most imminent dangers. The next step is to regain an immediate sense of self control. Tactical breathing will aid in regaining control. The officer should observe the situation and surroundings, identify operational needs, develop a plan, communicate as necessary and then initiate the plan."

Once you begin to recognize the signs of fear and learn to manage them, the chances of reacting poorly in a frightening situation decline significantly. But even when you manage yourself well through an adverse situation, there still is work to be done after the paperwork is filed to ensure a healthy response to fear. >>

“

*There are very few monsters
who warrant the fear
we have of them.*

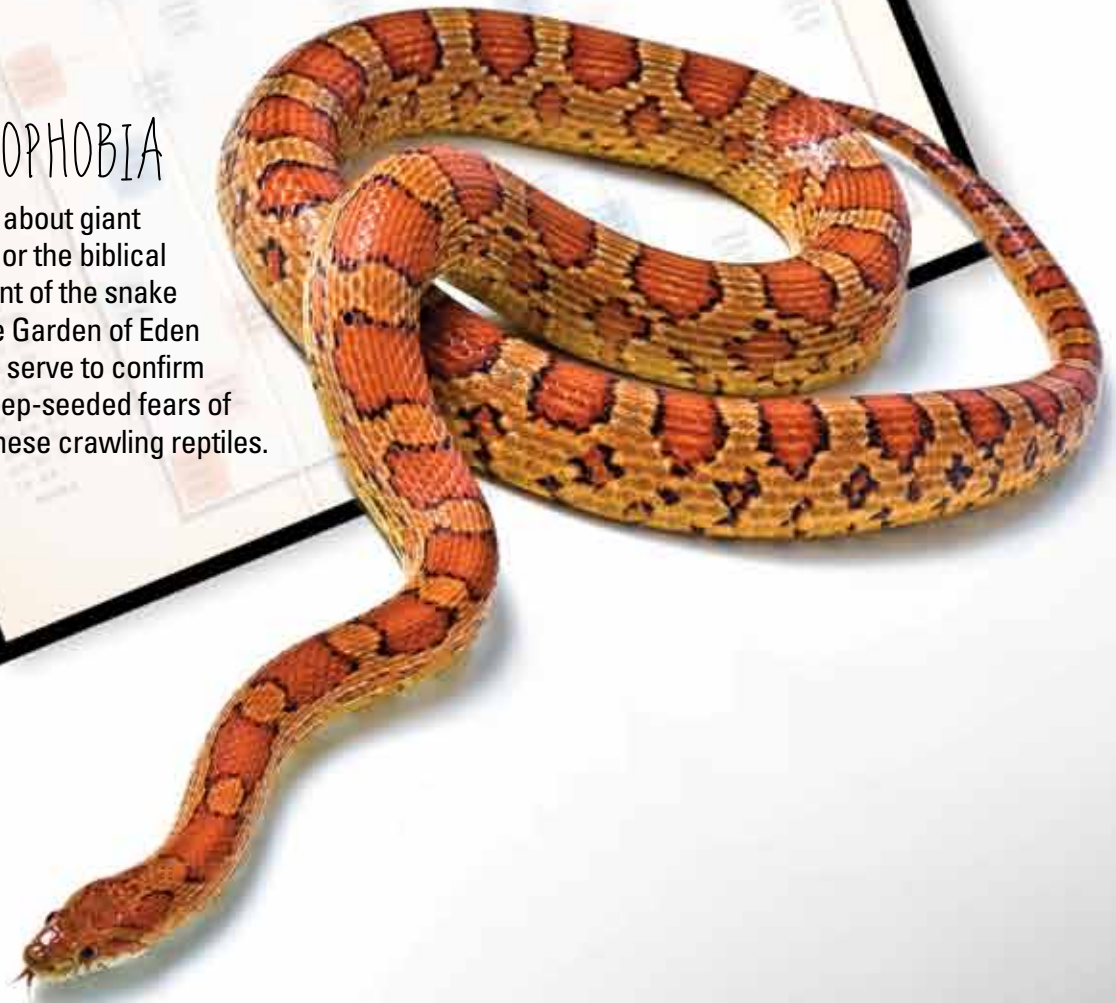
ANDRE GIDE,
NOBEL PRIZE-WINNING AUTHOR

”



OPHIDIOPHOBIA

Legends about giant snakes or the biblical account of the snake in the Garden of Eden can serve to confirm deep-seeded fears of these crawling reptiles.





>> “The big secret across the board is the fact that the guys who talk the most about their experiences have the least number of long-term issues,” Biebel said. “Data from research shows that those guys who don’t talk about it because they think it makes them less tough or it’s not the thing to do, tend to have the most trouble after the event.”

“Find somebody — a co-worker, friend, priest, pastor or psychologist — somebody who is non-judgmental and won’t tell you how to feel or think,” Biebel suggested. “Social support can be essential in processing fear.”

Atkin and Blair agreed.

“Training and stress inoculation increases confidence,” Atkin said. “Talking to your peers and social interaction has a lot to do with that. When you’re nervous about a given situation, talking to more experienced guys who can say, ‘This is how we handled that,’ or ‘this is where I did well,’ helps. Then when you encounter that situation, even if you don’t have formal training, it might mitigate some of those irrational fears.”

Deciding to be in control of your fear is a decision that must be made continuously to prevent complacency.

“It comes back to the mindset of having the desire and internal motivation to fight through until you build up that confidence,” Blair said.

The most important thing is to recognize fear is your friend when regulated and appropriate, Biebel said. It is a survival response. All officers should recognize the genetic component of fear and get away from the notion that it indicates weakness.

“It is a logical, practical, purpose-serving response,” Biebel said. “It boils down to being confident in your skills and abilities. If you’re not confident in your ability to protect yourself and to respond accordingly, it can really inhibit you from doing the job.”

Kelly Foreman can be reached at kelly.foreman@ky.gov or (859) 622-8552.

BREATHING TACTICALLY: TAKE BACK CONTROL OF YOUR BODY

Tactical breathing involves recognition of your body's physiological responses in a fear-induced situation and the decision to control them. This technique helps bring down your heart rate, increases oxygen to your brain and allows you to focus more clearly on the task at hand. When seconds count, just breathe.

When you feel your heart rate begin to rise:

- Breathe in for a count of four.
- Hold your breath for a count of four.
- Exhale for a count of four.
- Repeat as needed.

CLAUSTROPHOBIA

Fear of being trapped in small, confined spaces affects 15 to 37 percent of people worldwide, leading them to avoid places like the subway and taking the stairs rather than an elevator.



“

*The real hero is the man who
fights even though he is scared.*

GEN. GEORGE PATTON

”



The Gift of Fear

Has this happened to you? You walk into a store. As you look at the cashier and others in the store, suddenly you feel very uneasy, and have a sense of danger. You cannot articulate why, but there is a red light flashing “danger” in your head. Without knowing why, you suddenly know you need to get out of there, right now. What is going on?

What about this situation? You meet a person at a party, work or school. Initially he or she seems very nice, but you have a nagging feeling that there is something that is not quite right, and you should not have any sort of relationship with the person. You ignore the feeling, and soon find yourself in a relationship

that is out of control with a manipulative, controlling, even dangerous person. You have a great struggle to get him or her out of your life. What was it you ignored at the outset that was warning you to stay away from the person?

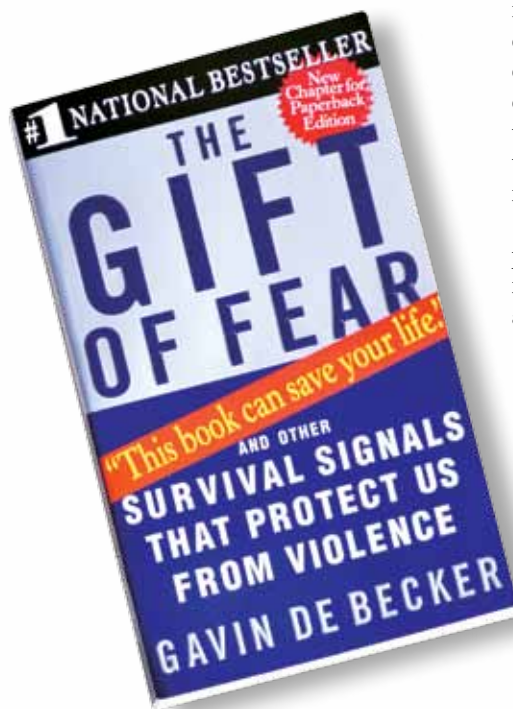
What is happening is you have perceived danger your intuition is telling you to fear, and to take action now to protect yourself. This is one of the key lessons found in Gavin de Becker’s landmark book, “The Gift of Fear And Other Survival Signals That Protect Us From Violence.” First published in 1997, “The Gift of Fear” is an incredible resource. De Becker is well known for his development of methodology to predict violent behavior. He runs Gavin de Becker & Associates, a private security firm, which provides threat assessments as well as protective security services. He uses examples from real incidents, describes how people who are violent or dangerous display signals that are predictive of their behavior. We usually perceive these danger signals, but we all too often ignore them and don’t act on them.

In the book, de Becker gave an example of a man named Robert who walked into a convenience store. In the interview after the event, Robert said he walked in to buy some magazines. Robert suddenly felt afraid but did not know why, a “gut feeling” as he described it, so he turned around and walked out. Shortly afterward, a police officer walked in and was shot to death because he walked into a robbery in progress. What did Robert perceive that he acted on saving his life, that the officer did not? Talking to Robert, de Becker elicited from him that he really did know why he

was afraid and left the store immediately. He described how when he walked in, the man behind the counter very quickly glanced at him, then immediately returned his eyes to another customer in the store and looked at him intently. He remembered that the other customer was wearing a big heavy coat on a hot day. Robert also recalled he noticed a station wagon outside the door with the motor running and two men inside. Robert did not intellectually reach the conclusion that there was a robbery in progress, but intuitively he did, and he was right. By listening to his intuition, Robert possibly saved his life. When the officer walked in a few moments later, the man with the heavy coat pulled out a shotgun and killed him. We will never know why the officer did not perceive the danger in time. Perhaps it might be because it was daylight, and knowing that most robberies of this sort occur at night, his knowledge of statistical improbability silenced his intuition.

“The Gift of Fear” describes how humans downplay their intuition and instinctive responses, relying on intellect and denial reflexes. The problem, as de Becker describes it, is our intellect tells us intuition is primitive superstition and inferior to reason. But intuition gives us nearly instant input, sizing up and evaluating danger signals we are in fact perceiving from another person, and telling us to be afraid and take action to protect ourselves.

De Becker has built his career and business on the basis of predictive behavior. Violent and dangerous behavior is largely predictable. An insight that de Becker relates is people who commit aberrant acts of violence are, in fact, just like everybody



By Gavin de Becker, Dell Publishing, New York, NY, May 1998



else. Just like you. Everybody has the ability in some circumstance to use violence, even lethal violence, against another. After all, if you believed somebody was trying to kill you or your child, would you not kill the attacker if you thought it necessary? Because we are ultimately the same, we can and do recognize the meaning of the signals that violent persons are giving us, if we will only allow ourselves to see and hear them. In his book, de Becker says too many people engage in denial. We deny these “monsters” are just like us, and therefore we can’t understand them. We deny we are in danger from a certain person, because we don’t want to face the reality of it and what we must do to protect ourselves. If you accept that people are the same, you will let yourself recognize the signals, and will ignore the voice of denial in your mind that tells

you that a person really won’t hurt you, or really isn’t bad.

The book discusses at length the methodologies that de Becker and his company use to evaluate and predict danger, its likelihood and how imminent the danger is. De Becker’s book contains chapters about domestic violence, workplace violence, stranger versus non-stranger violence, dating issues and stalking. For individuals who are facing these issues, or who are concerned that they might, the insights into the people who do these things, their motivations and how they can be dealt with would be invaluable.

In the book, de Becker tells us that worry, wariness, anxiety and concern about

things and people are not true fear. That does not mean that there are not real problems that are concerning you, but they are not indicators of imminent danger. A person who has great anxieties should strive to discover what is really concerning them, and then take steps to deal with it. True fear, based on intuition motivated by perceiving and heeding signals of danger, will enable you to identify imminent danger and to take prompt and effective action to save your life. This is a book that is a must read for all law enforcement officers, and anybody you love. 🍷



TRAFFIC CONTROL:



Stay Visible, Stay Safe

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

STAY VISIBLE



Working traffic is not a tantalizing job. Traffic lights normally don't fail when the sun is shining and there's a light breeze blowing beneath the brim of your campaign hat.

Most officers who have served any length of time have experienced the misery of a vehicle collision that ends with them standing in the center of the road diverting vehicles around them as the rain pierces their skin. Others have stood with their flashlight waving in the fallen dark hoping to make themselves visible to drivers who are too busy texting or munching a cheeseburger to notice them.





“Traffic control is clearly not a glamorous assignment, but it is one that is an absolutely integral, fundamental part of being a street cop,” said Dean Casey, Department of Criminal Justice Training instructor. “On a 100-degree July afternoon, it may not be enjoyable, but it is just as important a function as responding to a high-priority dispatch call.”

When traffic control becomes part of the routine, it’s easy to get complacent. But even when officers are doing the right thing, standing in the middle of a street with multiple tons of metal speeding toward them is never a safe place to be. Staying on their toes must be top priority, said Casey, who spent the better part of his 20 years of service to the Lexington Division of Police working traffic as both an officer and a sergeant.

“An officer I worked with in Lexington was doing everything he was supposed to do and an inattentive driver ran into him in an intersection,” Casey said. “That officer ended up on disability and never did recover physically well enough to be able to come back to work. He still has long-term suffering issues. There are dangers associated with traffic control. It takes both sides — you can do everything in the world including having a brass band with you, but the person who is approaching the traffic control point has to be conscientious about their driving, too.”

Whether you’re working a crash on the interstate, directing traffic after a football game or helping motorists find their way around a downed tree after a storm, officers must commit to three things on the road:

- protect yourself
- protect those you’re directing
- don’t make things worse

PROTECT YOURSELF

When it comes to self-safety, both Casey and Kentucky Transportation Cabinet Incident Management Coordinator Shane

Ratliff expressed that making yourself visible is the single most important thing you can do. Wear a reflective vest, carry a big flashlight and keep moving.

“When you’re directing traffic, you need a flashlight that’s going to last awhile, a larger size one to be more visible,” Casey said. “The officer also needs to move a lot. If drivers can see some big orange something out there in the distance moving, they know they’re coming up on something. Try to move around a bit if for no other reason than to make yourself more visible. >>

... making yourself visible is the single most important thing you can do. Wear a reflective vest, carry a big flashlight and keep moving.

STAY SAFE

>> “All officers should be equipped with a uniform hat, whistle, traffic control vest, large flashlight and traffic wand,” Casey continued. “Ideally the vest should be ANSI Level 2 or 3. Other items like reflective gloves certainly are helpful. Additionally, an agency should have a policy requiring officers to have this equipment in their vehicle as well as requiring their use when performing traffic control or when at a collision scene.”

As a former officer himself, Ratliff said first responders are notorious for leaving their vests in their vehicles when they're on the roadway.

“It's hard to get an officer to wear something he or she thinks is ugly,” Ratliff said. “This ain't the time for a fashion statement. Who cares what you look like as long as you go home to your family?”

Not only is being dressed appropriately necessary for safety, standing in a roadway full of citizens makes you a visible face of the agency you represent, Casey said.

“When you are directing traffic, that is presenting an image no different than any other time you're interacting with the public,” he said. “If you don't look right, you're not doing things right, people get frustrated. That presents a bad image for the officer and the organization.”

Officers working for small agencies often have the added task of controlling traffic with limited human resources. For officers working county roads, Casey suggested carrying flares and additional traffic cones to stay visible when you're on the road alone.

“You have to work a little harder than an officer in downtown wherever to be seen and make traffic flow work best,” he said.

PROTECT THOSE YOU'RE DIRECTING

Keeping traffic moving is critical in protecting motorists on the roadway, Ratliff said. The longer traffic remains unmoving, the greater chance there is for a secondary crash.

“All our state statistics show that more than half of secondary crashes experience more serious injuries,” Ratliff said. “That's why we really stress to officers that getting a detour established or getting a lane open, if you're not doing reconstruction, will reduce the chances of a secondary crash.”

Secondary to visibility, Ratliff encouraged officers to allow motorists advanced warning that they are going to have to stop. Depending on the location and type of incident causing traffic to be muddled, there are a number of ways this can be done, he said.

On the interstate, coordinating with the Transportation Cabinet and SAFE patrol are among some of the best options, Ratliff said.

“SAFE patrol members also are trained in traffic incident management and they have an arrow board they can back up that says, ‘Crash Ahead,’” he said.

One phone call to the Transportation Operation Center in Frankfort also can help by activating overhead signs on the interstate. Calling (502) 564-2080 will put officers in touch with someone who can take the message they need on the signs and get them up and running, Ratliff said.

If there are multiple officers on scene, sending someone in a cruiser to the end of the traffic backup with their lights flashing to allow motorists another opportunity to be alerted to stopped or slowed traffic greatly reduces secondary crashes, Ratliff said.

“Everybody always wants to be there in the middle of the scene, even if they're not doing anything,” he said. “The job you do at the back of the queue is as important — if not more important — than the reconstruction. ‘All they're doing is slide rules and angles to figure out what happened. You're keeping someone from getting killed at the back of the queue. That early warning is going to make a difference.’”

DON'T MAKE THINGS WORSE

“Try not to confound things so that traffic becomes this snarled-up mess,” Casey said. “If it's a simple wreck, move it to the side of the road. If you don't have that choice, develop a plan so that traffic can run in an alternative manner.”

Asking for help should be a top priority when establishing a plan.

“Forging partnerships with local or state traffic management offices is crucial to developing traffic plans for large-scale events, disaster preparedness, etc. Coordination with these agencies can affect things like the timing of traffic lights to assist with traffic flow at or near large-scale events and during times of the day associated with larger traffic volume. Traffic management, whether on a large scale or a couple of officers handling a collision scene, is one of those functions that affects the opinions of citizens about how their local agencies are doing their job, so it's advisable to do it right!”

When representatives from multiple agencies and disciplines are on scene, working together simultaneously helps to bring the situation back to right, Ratliff said. Referencing an interstate wreck he worked in northwest Kentucky, Ratliff compared working together to a NASCAR pit crew. When time is of the essence to get traffic moving, everyone should begin working as quickly as possible.

“Once the injured are removed — that is primary — but once the emergency part is over, everything else can be done simultaneously,” he said.

Much of law enforcement training today centers on the ability of officers to problem solve in complicated situations. Problem solving in traffic control is a vital part of making sure everyone gets off the road safely and in a timely manner.

“If you respond to an injury collision, you don't want to have a secondary collision, nor become someone who's injured,” Casey said. “It goes back to that old saying that if you can't get there, you can't help anybody. If you're there, but you get hurt, you can't help anybody either.” 🍌

Kelly Foreman can be reached at kelly.foreman@ky.gov or (859) 622-8552.

Traffic Training Opportunity

A new training opportunity is available from the University of Kentucky Transportation Center. This training is available to all Kentucky first responders. The information below is excerpted from the training information website, which can be found here: <http://www.kyt2.com/training/event/traffic-incident-management>.

Kentucky's Traffic Incident Management training program addresses the challenges of moving people and goods efficiently and safely on the nation's highways. The program focuses on response efforts that protect motorists and responders while minimizing the impact on traffic flow. TIM efforts include detecting, verifying and responding to incidents; clearing the incident scene; and restoring traffic flow. Based on the severity or type of incident, first responders may represent law enforcement, fire, transportation, emergency medical services, public safety, towing and recovery, public works and hazardous materials disciplines.

Using a multiple-discipline perspective, first responders will learn how to operate more efficiently and collectively. The training covers many topics, including recommended TIM procedures and techniques.

Trainees: Trainees may select to attend a scheduled course. Some courses are offered by trainers in the area, and those trainers can be contacted.

Trainers: The trainer section is available to those individuals who attended the National Traffic Incident Management Responder Train-the-Trainer workshop in Frankfort in February 2013. Trainers can request materials, have their training posted on this website and link directly to the National Traffic Incident Manager website.

If you would like to request an on-demand course from the Technology Transfer for your area, contact Carla Crossfield at (859) 257-4022, (800) 432-0719 or carla.crossfield@uky.edu. ■



AIT

ABBIE DARST |
PROGRAM COORDINATOR

COVERT INVESTIGATIONS: TRAINING TO GO UN-NOTICED

Covert Investigation teaches attendees the various roles and responsibilities of a covert investigation. The course demonstrates planning, basic surveillance techniques, using and managing confidential sources, asset forfeiture and covert risk management, among other topics.

The 2014 course dates are:

Northern Ky. — May 19 to 23

Richmond — June 2 to 6

Northern Ky. — July 7 to 11

Two men sit nearly motionless in the back of a windowless van. The van's interior has been converted into a high-tech, mobile-surveillance center. Through their quiet whispers, calm voices cycle through recording devices — evidence of a crime in motion. Little by little, the details of a large drug buy are negotiated between a high-level drug lord and his cohorts. But one person in the midst is different from the rest — not in dress, action or language, but in the undetected wire he wears, allowing this undercover officer to uncover and eventually foil the plans of these drug dealers. His undercover work will allow his department and coworkers to dismantle one more illegal drug smuggling operation in their city.

ALL IN A DAY'S WORK

Average citizens across the country have seen scenarios like this in movies and TV shows and read about them in books for generations, but few take time to think about the covert tactics used and training

undergone by law enforcement officers that allow them to investigate these real-world cases.

“When you think covert, think hidden — hidden devices, hidden information,” said Al Dixon, one of the Department of Criminal Justice Training instructors who helps teach the Covert Investigations class.

DOCJT's Covert Investigations course has taught dozens of Kentucky officers the ins and outs of conducting undercover surveillance operations, working with informants and gathering intelligence that will crack their cases. And those cases look different from agency to agency. They can range from complex, high-profile, long-term cases or those on a much smaller scale. A covert investigation simply involves tactics used to gather information without the suspects, victims or witnesses knowledge, said DOCJT instructor Lance Hayden.

“Usually [in an investigation], a uniformed officer identifies him or herself and

says, 'I'm here to talk about this case,'" Hayden said. "But a covert operation is trying to gain information without letting them know the police are involved."

The three instructors, Dixon, Hayden and Jeff Hancock, who teach the Covert Investigations class have a vast array of experience in coordinating and working covert operations in their time as officers in the field. Hancock, who has taught at DOCJT for four years, spent 25 years with the Kentucky State Police working both general investigations and covert drug investigations with Drug Enforcement/Special Investigations West.

"As part of general investigations, I not only worked drug cases, but also homicides, property crimes and child abuse cases a lot," Hancock said. "There's a lot you can do with covert (investigations) in child abuse cases. We want to make sure students know that it can be used for any investigation."

Like Hancock, Hayden used covert investigation tactics in multiple ways throughout his career. Hayden began his career as a jailer in California, where he developed informants to keep up with what was happening inside the jail. The information he gathered helped keep officers safe by uncovering plots for escapes, inmates with hidden weapons and plans for assaulting officers. From there, he worked undercover in a local high school as a student buying drugs. After a semester in the school, he went to patrol and then became a gang investigator, using covert tactics to stay a step ahead of what fights, crimes and deals the gangs were planning, he said.

STAYING INFORMED

Working with informants can be a big part of covert investigations, and the course spends a significant amount of time teaching officers how to develop and properly handle informants, Hancock said.

"We talk about informant motivation — that is important," Hancock said. "If someone is going to rat on [someone else], what motivates him? Was he arrested for something and wants to work off the charges? Is it for money or revenge? Motivations can be fluid ... and during an investigation, you'll find that their motivation isn't what they said it was."

But learning how to work with and control informants is only part of conducting covert investigations. From wire tapping,

to video and audio recordings to general surveillance, the course instructors are able to share their working knowledge with class participants.

"They brought a wealth of experience and knowledge to the table," said Bowling Green Police Detective James Pearce, Jr., who completed the class in June. "We got to hear a lot of issues they ran into over the years and how they overcame them."

Hazard Police Lt. Paul Campbell agreed that the instructors' personal experiences were an invaluable part of the class.

"They would tell us not only what was in the curriculum, but also what they experienced in their work in policing," he said. "Not only did they believe in what they were teaching, they also had used it in one way or another and embraced it."

In contrast to Hancock and Hayden's varied covert experiences, Dixon spent nearly nine years working with the Lexington Division of Police's Narcotics Enforcement Unit.

"That's why I came into policing — I wanted to primarily work narcotics," Dixon said of his career choice. "Drugs ruin families. Look at families that were well to do before their little girl hooked up with a guy who got her shooting heroin in her veins, then go back and look at her. It makes such a dramatic impact on a community that I wish I could get rid of all of it."

"I figured the best way I could, was to come here and get involved in teaching classes that were geared toward that," Dixon continued.

As a DOCJT instructor, Dixon has the ability to affect drug operations across the commonwealth, through the knowledge he imparts to officers he teaches.

During the class, officers learn about the latest surveillance equipment and how to perform proper surveillance, whether by foot, vehicle or stationary surveillance. By the end of the week each officer develops an operation plan and devises a covert operation, Hancock said.

"With operational planning, we talk about assessing risk in doing covert operations and then what we can do to mitigate those risks and make it safer," Hancock said.

On Wednesday and Thursday, the course focuses on different ways to mitigate or counter potential risks involved in covert investigations. One of those risks is officers finding themselves in situations

*When you think
covert, think hidden —
hidden devices, hidden
information.*

where they end up in an altercation with an informant, suspect or someone involved in the case. In the course, officers spend a full day learning defensive tactics, such as ground fighting, to protect themselves in case their weapons are not readily accessible.

Thursday is devoted to breaking down real scenarios in which officers were killed. By looking at the circumstances and risks involved, the instructors discuss with the class what could be done differently to make other officers safer, Hancock explained.

"We really emphasize that you have to decide, is this case worth the amount of risk associated with it?" Hayden said. "A lot of times it's not worth the risk. In some cases you elevate your risk if there is a potential child molester or murderer. With a loss-of-life issue, the risk may be higher than with some dope dealer. There is very little dope worth getting hurt over. It's always about balancing risk versus reward."

The covert investigations class is designed to meet the needs of all Kentucky officers, from patrol officers who can use covert tactics in everyday investigations, to high-profile case detectives. The tactics and information shared, coupled with the immense knowledge and practical experience of the instructors, will help any participant develop into a better, more confident covert investigator.

"Over the years, the classes I've always enjoyed the most have been more hands on," Pearce said. "You take more out of the class if you're actually out in the field using what they're teaching you and seeing how it works." 🍷

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Sheriff Dwayne Price

Johnson County Sheriff

Dwayne Price was named sheriff of Johnson County on Jan. 1, 2011, and has been able to accomplish much with community support. To date, more than 200 cases have been taken to the grand jury for indictments ranging from drug trafficking to murder. He has established roles for his officers such as an animal abuse officer and community/school officer. Price graduated from the Kentucky State Police Academy in 1987. In 2001, he became a KSP detective. Price retired from KSP with 24 years of service. Price and his wife, Nancy, of 28 years, reside in Staffordsville. Their daughter, Kayla, is a student at the University of Kentucky.

SINCE BEING NAMED SHERIFF, WHAT IS A CAMPAIGN PROMISE THAT YOU'VE KEPT?

In relation to drugs in our county, I promised the community that we would work as a team — community and agency. That has been one of the greatest accomplishments. The community feels free to call me with any tips, leads or suspicions. They know it will be kept confidential. It has been very rewarding to watch the Van Lear community UNITE group grow and take actions in the neighborhood by watching for suspicious behavior. Other communities are considering the same type of program. Our agency would not be as successful without the support of the residents.

WHAT ARE SOME DIFFERENCES AFTER SERVING KSP FOR 24 YEARS AND NOW SERVING AS SHERIFF OF JOHNSON COUNTY?

With KSP, you are just one member of a statewide team. You receive the highest caliber of training and you have no set designated county in the post area. There is no

"Being sheriff means I have been chosen by the people to ensure the highest level of local law enforcement, and they have trusted me with their lives, property and children. I take that responsibility very seriously."

way I would be as effective as sheriff without the years as a trooper and detective.

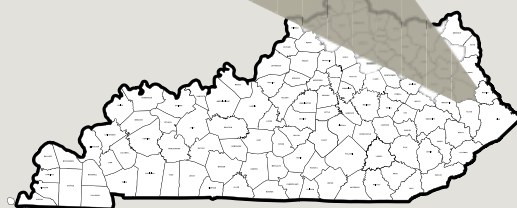
Law enforcement today is much different than it was when I became a trooper in the '80s. Cybercrimes, bullying, drug abuse and other crimes are part of today's criminal climate. Being sheriff means I have been chosen by the people to ensure the highest level of local law enforcement, and they have trusted me with their lives, property and children. I take that responsibility very seriously.

HOW DO YOU KEEP YOUR WORK FORCE MOTIVATED, SKILLED AND PROFESSIONAL?

Our office staff is an important part of keeping things running smoothly with tax collections, taking in papers to serve, car inspections and other daily work. Our enforcement staff has 200 years of combined law enforcement experience. We have young officers who wanted to work for our office and learn procedure, protocol and structure. We have officers who are retired from KSP and the Department of Fish and Wildlife Resources. We are not the highest paid office in the region nor are there many incentives to retain this level of competency. What we do have is a sense of team. We all do this job because we want to and because we want to make a difference. Many of us have said more than once that this is what we always wanted to do, having high impact on one specific county. The younger officers know they can ask for opinions, advice or assistance at any time. We are a team.

WHAT HAS BEEN THE SCARIEST CALL YOU'VE RECEIVED IN YOUR LAW ENFORCEMENT CAREER, AND HOW DID YOU HANDLE IT?

The scariest call I ever had was when I was a trooper and got a call that a former deputy, whom I had known since I began in law enforcement, was held up in his trailer with a weapon. His family requested that we conduct a welfare check. They said he had been on a drinking binge for about 45 days. Upon arrival at his residence, I knocked on the door and heard some movement inside. When the door opened, I found myself looking down the barrel of a 12-gauge pump shotgun. He said if I attempted to take his weapon he would shoot me. It was obvious he was extremely intoxicated. With a halfway grin he said "Do you think you could get your pistol out before I pulled the trigger?" I said, "I'm just here to check on you. Your family was worried." I proceeded to talk him down and was able to get him to allow me inside, but he repeated that if I tried to take his gun he would kill me. After entering the trailer we sat on the couch. He sat on one side with the weapon between his legs. I continued to talk to him in a calm voice about the 'good ol' days' when we rode together. After about 20 minutes of conversation he relaxed and looked toward the television. At that time, I lunged and retrieved the weapon. I left with the weapon and told him when he sobered up to call me. He called several weeks later and apologized. He told me to keep the gun in remembrance of the 'good ol' days. He passed away shortly after that conversation.





Chief Darren Harvey

Greenville Police Department

Darren Harvey is a 1985 graduate of Muhlenberg Central High School and he attended Hopkinsville Community College. Harvey began his law enforcement career in November 1990 and has served his entire career with the Greenville Police Department. He served as a patrolman and was later promoted to assistant chief, where he served until being promoted to chief in October 2009. His twin brother Duane also serves the Greenville Police Department. Harvey and his wife, Vicki, have been married for 22 years. They have two children, Bradley Turner and Tarren Harvey. Bradley and his wife, Molly, have one child, Evelyn Rose Turner, who is Harvey's first grandchild.

SINCE BEING NAMED CHIEF, WHAT IS A GOAL YOU HAVE REACHED?

When taking office, I vowed to be a working chief. We are a small department; therefore, I actually gained a position by just multi-tasking. At first, not every officer was equipped with mobile data terminals, however with help from the Kentucky Office of Homeland Security Grant Program, we have been able to ensure that each officer is equipped with an MDT and replaced our portable radios. I also have been fortunate to add three, part-time officers to the department. One of those serves as our department chaplain.

HOW HAVE YOU PROGRESSED AS A SMALL AGENCY IN A LOW ECONOMY?

When I took office in 2009, I was faced with a rapidly deteriorating economy. In order to ensure our officers' safety, we purchased the latest equipment they needed by seeking grant funding. We did this without causing a financial hardship on the city of Greenville. I personally feel that it is

"I personally feel that it is paramount that we, as a department, be as efficient as we can while continuing to enhance the service our agency provides for its citizens."

paramount that we, as a department, be as efficient as we can while continuing to enhance the service our agency provides for its citizens.

HOW DO YOU KEEP YOUR WORK FORCE MOTIVATED, SKILLED AND PROFESSIONAL?

We are fortunate to have a mayor and administration that supports our department and understands our role as police. I have the utmost respect and confidence in our officers, their ability to perform their duties and make sound decisions. This increases the officers' confidence in themselves and helps them provide a quality law enforcement service to the citizens of Greenville and Muhlenberg County. Providing the proper training and equipment also gives them the support and confidence they need to perform their duties.

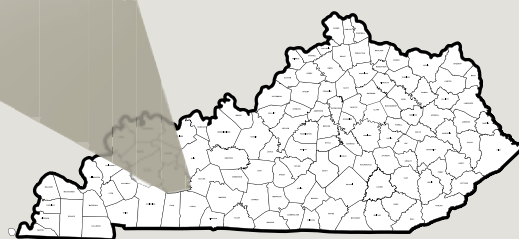
WHAT HAS BEEN THE SCARIEST CALL YOU'VE RECEIVED IN YOUR LAW ENFORCEMENT CAREER, AND HOW DID YOU HANDLE IT?

Every police officer is aware that anytime they go to work there is a chance they may not return home to their families.

No agency is ever prepared to lose one of their own. However on June 27, 1999 we responded to a call where one of our officers, Officer Joey Vincent, was shot and killed along with his wife, Amy. The week prior to being killed, Vincent assisted the Muhlenberg County Sheriff's Office in serving a mentally-ill warrant on his next-door neighbor, who also was his first cousin. When the perpetrator got out of Western State Hospital, he retaliated and killed his parents which were the ones who had him committed to Western State Hospital and then ambushed Vincent and his wife, and killed them. Responding to the call of one of our own officer's down was a day we will never forget. We just have to take situations like that and try to learn from them and always know and be mindful of the dangers of doing this job.

DO YOU HAVE ANY NEW PROJECTS ON THE HORIZON?

We will continue to seek more grants. Another one of our future goals is to join forces with other law enforcement agencies in Muhlenberg County to form a multi-agency investigative task force unit to enhance the investigative process for major crimes in our area. This will provide more manpower to handle investigations without interrupting the day-to-day law enforcement services for that particular jurisdiction.





Kentucky Law: Flight as Evidence of Guilt

ROBERT E. STEPHENS JR. | ASSISTANT COMMONWEALTH'S ATTORNEY

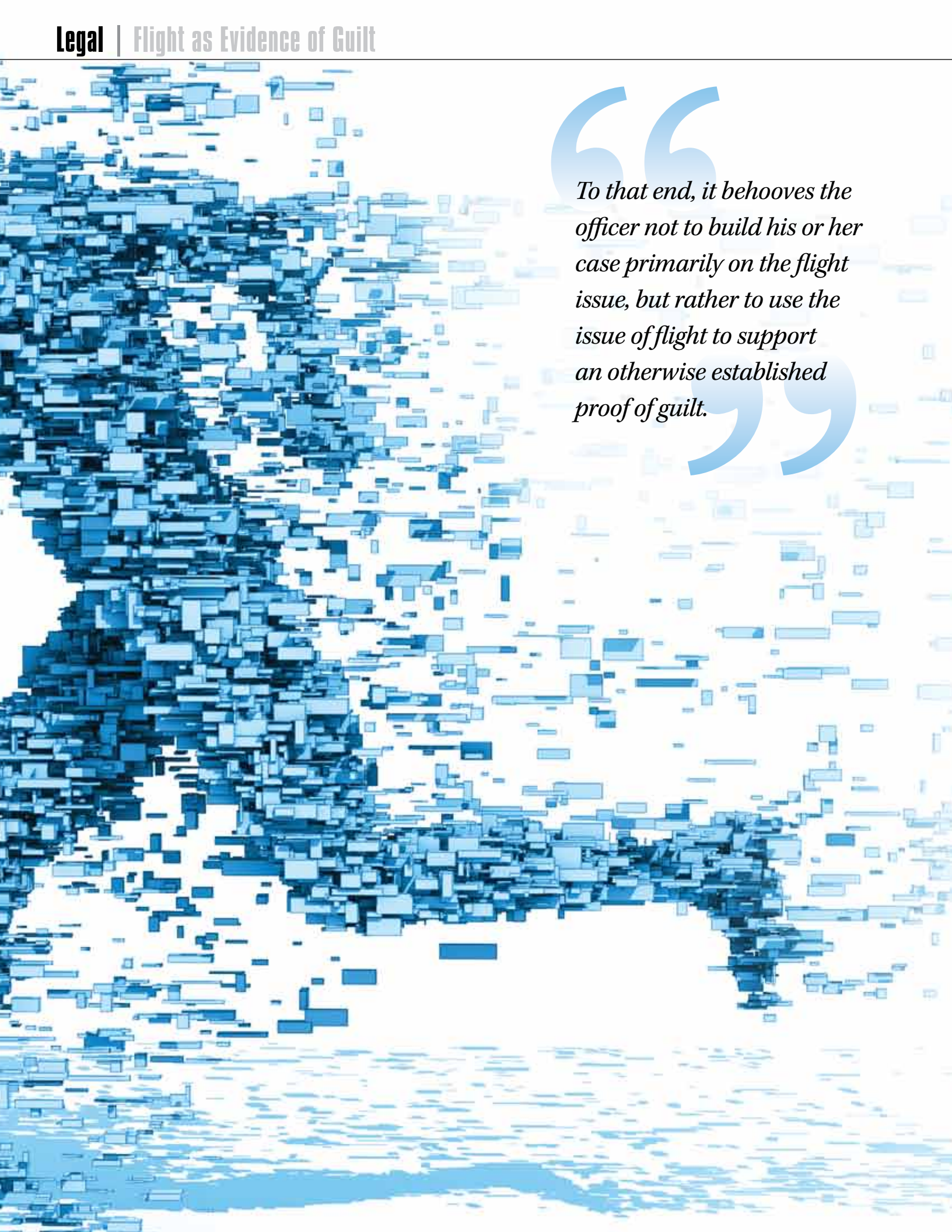
Flight as evidence of a guilty conscience has long been admissible in Kentucky. As Kentucky's highest court stated as early as the 19th century, "It is competent for the [c]ommonwealth to prove that the accused, after committing the act, or having been accused of it, fled or concealed himself, or was guilty of any conduct inconsistent with his innocence." *Basham v. Com.*, 9 S.W. 284 (Ky.App. 1888). While criminals behave differently, and no behavior is alone proof beyond a reasonable doubt of criminal conduct; human nature being what it is, guilt may be inferred from how a person behaves following a crime or after being accused of a crime.

The common-law rule that flight is evidence of crime survived Kentucky's adoption of the Kentucky Rules of Evidence. "KRE 401 defines relevant evidence as 'evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.' By definition, the common-law rule regarding the admissibility of evidence of flight is a rule of relevancy. That is, evidence of flight is admissible because it has a tendency to make the

existence of the defendant's guilt more probable: a guilty person probably would act like a guilty person." *Rodriguez v. Com.*, 107 S.W.3d 215 (Ky. 2003).

Kentucky makes the inquiry a simple one of relevancy, not the four-step process outlined in *U.S. v. Oliver*, 397 F.3d 369 (6th Cir. 2005):

"Flight evidence comes in as an admission of guilt by conduct.' Courts, however, have 'consistently doubted the probative value in criminal trials' of flight evidence. Thus, before a jury may be permitted to consider flight as evidence of guilt, the district court must determine that the flight evidence has genuine probative value. In order to ensure that the flight evidence has probative value, we employ a four-step analysis. For evidence of flight to be of probative value, four inferences must be drawn: '(1) from the defendant's behavior to flight; (2) from flight to consciousness of guilt; (3) from consciousness of guilt to consciousness of guilt concerning the crime charged; and (4) from consciousness of guilt concerning the crime charged to actual guilt of the crime charged.' 'All four inferences must be 'reasonabl[y] support[ed]' by the evidence.' >>



To that end, it behooves the officer not to build his or her case primarily on the flight issue, but rather to use the issue of flight to support an otherwise established proof of guilt.

>> The *Oliver* test is not as daunting as it might first appear. What *Oliver* really seems to require is a nexus between behavior, flight, consciousness of guilt regarding the crime, and actual guilt of the crime charged. That this is not an unbearably heavy burden is evident since what is required for relevance is not proof beyond a reasonable doubt, but that the fact in question, the flight, weighs upon a fact at issue, the person's guilty state of mind. This would, depending on the facts of the flight and the degree of its strength, be subject to a weighing of what it proves versus undue prejudice. Spurious or speculative proof of flight should not be admitted, but most circumstances of flight after a crime or after confrontation about a crime should be admissible in this inquiry. At any rate, Kentucky's acceptance of flight as evidence of guilt has been repeatedly upheld. Finally, the *Oliver* standard is merely suggestive, not mandatory, in Kentucky.

The law in Kentucky is that evidence of flight is admissible on the issue of relevancy alone. It does not raise constitutional issues as the subject was, by taking flight, literally exercising his or her legs, not metaphorically exercising his or her constitutional rights. Prosecutors using evidence of flight, however, should be prepared to receive challenges from the defense that by fleeing, the subject was instead exercising a right not to testify or was otherwise acting in a constitutionally protected activity. To the degree prosecutors can keep the matter focused on the relevant inquiry, the issue of flight is relevant and admissible. To that end, it behooves the officer not to build his or her case primarily on the flight issue, but rather to use the issue of flight to support an otherwise established proof of guilt.

Technically, evidence of flight may constitute evidence submitted pursuant to KRE 404(b), and notice is required for the presentation of it. Kentucky courts have recognized the use of flight evidence in that context. "Under KRE 404(b)(1), evidence of other crimes, wrongs, or acts is not excluded by the rule '[i]f offered for some other purpose, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident.' This list of other purposes is 'illustrative rather than exhaustive.' *Colwell v. Com.*, Ky., 37 S.W.3d 721 (2000). Thus, we



PHOTO BY JIM ROBERTSON

hold that the trial court properly admitted the theft of the truck and Rodriguez's subsequent attempt to elude the police because it was evidence of flight from the Save-A-Step robbery and, hence, it was offered for 'some other purpose,' i.e., an expression of a sense of guilt, within the meaning of KRE 404(b)(1)." *Rodriguez v. Com.*, 107 S.W.3d 215 (Ky. 2003). To the degree the proof of flight is "spatially and temporally close to the crime charged," a prosecutor's use of the same at trial is more, not less relevant, whether introduced directly or pursuant to KRE 404(b). *Jackson v. Com.*, 199 S.W.3d 763 (Ky. 2006).

Flight alone, if that were the only evidence, would not support guilt beyond a reasonable doubt. "The intentional flight or concealment of a defendant immediately after the commission of a crime, or after he is accused of a crime that has been committed is not, of course, sufficient to, in itself, establish his guilt; but it is a fact which, if proved, may be considered by the jury in light of all the other evidence in the case in determining guilt or innocence." *U.S. v. Skoczen*, 405 F.3d 537 (7th Cir. 2005). "Appellant correctly argues that evidence of flight, standing alone, does not prove guilt beyond a reasonable doubt. *Vick v. U.S.*, 216 F.2d 228, (5th Cir. 1954). However, the individual was not convicted on the basis of flight alone; as stated above, substantial other circumstantial evidence tied

him to the murders. Moreover, evidence of flight has long been considered evidence of a consciousness of guilt." *Bray v. Com.*, 177 S.W.3d 741 (Ky. 2005). At trial, he may or may not choose to give "an adequate explanation of why he fled," but if he does so the weight to be given that story will be a matter for the jury to determine.

ILLINOIS V. WARDLOW: TERRY SEARCHES AFTER UNPROVOKED FLIGHT

The U.S. Supreme Court case of *Illinois v. Wardlow*, 528 U.S. 119 (2000) shed some additional light on the issue of flight and its admissibility in criminal courts in the context of brief searches to establish officer safety and allay reasonable suspicions of criminal conduct under *Terry v. Ohio*, 392 U.S. 1 (1968). Wardlow, a convicted felon, began to run upon seeing a convoy of four police cars "converging on an area known for heavy narcotics trafficking in order to investigate drug transactions. As the caravan passed, an officer observed Wardlow standing next to the building holding an opaque bag. [Wardlow] ... looked in the direction of the officers and fled." After a short chase, he was caught by police and subjected to a brief *Terry* search because of the likelihood of weapons being found near drug transactions — an officer felt a "heavy, hard object similar to the shape of a gun" in Wardlow's bag. Opening the bag, he found a .38 caliber handgun. >>

[F]or the very flight is an offense, carrying with it a strong presumption of guilt, and is at least an endeavour to elude and stifle the course of justice prescribed by the law.
— William Blackstone, *Commentaries on the Laws of England*, Vol. 4, 380.

>> The central issue in *Wardlow* was whether use of Wardlow's flight from police as grounds for a brief detention and search was a violation of his rights under the Fourth Amendment. The majority of the court agreed that the situation was governed under a *Terry* analysis, but some disagreed as to the result under the facts presented by Wardlow's actions, specifically whether Wardlow running upon seeing the police constituted the reasonable suspicion required to conduct a *Terry* stop and frisk. Recognizing that flight from police may be innocently explained, the majority found nonetheless that "[i]n allowing such detentions, *Terry* accepts the risk that officers may stop innocent people. Indeed, the Fourth Amendment accepts that risk in connection with more drastic police action; persons arrested and detained on probable cause to believe they have committed a crime may turn out to be innocent. A *Terry* stop is a far more minimal intrusion, simply allowing the officer to briefly investigate further. If the officer does not learn facts rising to the level of probable cause, the individual must be allowed to go on his way. But in this case the officers found ... [Wardlow] in possession of a handgun, and arrested him."

Chief Justice Rehnquist wrote "Headlong flight — wherever it occurs — is the consummate act of evasion: It is not necessarily indicative of wrongdoing, but it is certainly suggestive of such."

How will courts review a *Terry* search instigated as a result of a person's flight from police? Courts will likely continue to review such under a totality of the

circumstances test, and *Wardlow* states that a *Terry* search of one who engages in headlong flight from police, even if that person is not charged with or suspected of crime, does not violate the runner's Fourth Amendment right to be free from unreasonable searches and seizures of person and property. Flight does not, per se, allow a search, but it is an indicator of guilt and strongly supportive of an officer's need to detain the runner for a frisk, along with other circumstances on the scene. "In reviewing the propriety of an officer's conduct, courts do not have available empirical studies dealing with inferences drawn from suspicious behavior, and we cannot reasonably demand scientific certainty from judges or law enforcement officers where none exists. Thus, the determination of reasonable suspicion must be based on common-sense judgments and inferences about human behavior." Justice John Paul Stevens, however, argued against too much reliance on unprovoked flight as itself determinative of a need to conduct a *Terry* search, rather viewing the flight as one of many facts to be considered.

One final comment from *Wardlow* — flight from police is one thing, declining to cooperate is another. The majority contrasted a *Terry* search after unprovoked flight (i.e. flight not provoked by police misconduct) with a citizen's right to decline to cooperate with police interrogation. The Court noted that the *Wardlow* decision "is entirely consistent with our decision in *Florida v. Royer*, 460 U.S. 491 (1983), where we held that when an

officer, without reasonable suspicion or probable cause, approaches an individual, the individual has a right to ignore the police and go about his business And any "refusal to cooperate, without more, does not furnish the minimal level of objective justification needed for a detention or seizure." *Florida v. Bostick*, 501 U.S. 429 (1991). But unprovoked flight is simply not a mere refusal to cooperate. Flight, by its very nature, is not 'going about one's business;' in fact, it is just the opposite. Allowing officers confronted with such flight to stop the fugitive and investigate further is quite consistent with the individual's right to go about his business or to stay put and remain silent in the face of police questioning." Facing police requests for questioning with silence is constitutionally protected; running rather than face questioning is not protected, and may provoke a *Terry* search or even act as evidence of guilt at trial.

In summary, officers should not rely unduly on flight as evidence of guilt. In Kentucky, flight from police is certainly some evidence of guilt, but it cannot and should not be relied upon as the sole evidence of guilt. As noted in *Wardlow*, innocent explanations for flight from police abound and feelings toward police in certain communities, especially among minorities, may lead to a fear of official scrutiny that warrants (in the mind of the runner at least) flight from police despite a lack of criminal conduct. A total reliance on flight alone would not convict, but proof of flight, with other competent evidence of guilt, can be used to show guilt beyond a reasonable doubt. A judge or jury will demand strong proof of guilt independent of flight in order to convict. As William Blackstone cautioned more than 200 years ago on this very subject, "But the jury very seldom find the flight ... an offense, to which a man is prompted by the

natural love of liberty." William Blackstone, *Commentaries on the Laws of England*, Vol. 4, 380.

Kentucky courts have a long history of permitting the introduction of flight against the defendant at trial, and courts should therefore allow the jury to hear evidence of it, "for flight is always some evidence of a sense of guilt." *Hord v. Commonwealth*, 13 S.W.2d 244 (Ky.App. 1928). That relevant evidence is to be weighed, along with other competent evidence, by the fact finder to determine the guilt of the accused. Likewise, flight may, along with other facts, lead an officer to conduct a *Terry* search of someone who runs from police. The proverbial truth that guilty persons act guilty can support a *Terry* frisk and is admissible if supported by other evidence. It should be used where appropriate to strengthen the case against those who run after committing, or being confronted with, a crime. 🍌





Does **OSHA** Apply to Law Enforcement?

SHAWN HERRON | STAFF ATTORNEY, DOCJT LEGAL SECTION

In 1985, Officer William Burns, Radcliff Police Department, entered an underground vault to rescue a sewer employee who had collapsed. Sadly, he was also overcome by the fumes that had felled the employee and passed away. Many officers over the years have been struck and killed while working in the roadway, sometimes intentionally, but more often accidentally by other motorists. Several have drowned, including one, Officer Michael Partin, Covington Police Department, who fell from a bridge into the Ohio River while chasing a suspect. Two officers have died specifically from infections sustained from injuries that occurred on duty.

Many years ago, two Louisville officers died from animal-related causes, one being thrown from a wagon and the other falling from his horse. One officer, Officer Ricky LaFollette, of the Louisville Division of Police, died in a diving accident. Officer Jack Deuser, Jefferson County Police Department, died from electrocution when he dived into a creek to save a woman who, it turned out, also had been electrocuted. Although the majority of the deaths of Kentucky officers come as a result of direct violence, gun or knife related, many officers have been injured throughout the years from exposure, motor-vehicle collisions and other factors. The Occupational Safety and Health Administration began as a federal agency when the OSH Act became effective, on April 28, 1971. The mission of the agency is to establish and enforce workplace health and safety regulations across the United States. A number of entities are exempted, including public employees such as law enforcement, under the federal law. However, under the federal act, states are permitted to adopt the federal regulations as state law, which Kentucky has done in KRS 338 and its accompanying regulations. These state laws do specifically apply to public as well as private employees. As a result, to effectively understand OSHA law in Kentucky, for public employees, it is crucial to read the Kentucky statute and regulations in KRS 803 in conjunction with the federal regulations that each adopts.

As such, to determine what regulations apply to law enforcement, it is necessary to decide the hazards a law enforcement officer might experience.

SO, WHAT DOES THIS MEAN FOR LAW ENFORCEMENT EMPLOYERS IN KENTUCKY?

There are a number of very specific provisions in place based upon the hazards an employee might encounter. The standards are, for the most part, not based upon a particular type of employment, but instead on what employees in a position might be called upon to do. As such, to determine what regulations apply to law enforcement, it is necessary to decide the hazards a law enforcement officer might experience.

For example, all workplaces must have an emergency-action plan for their employees, which would include provisions for exit routes in case of fire and identified locations for weather situations, such as tornados. The location should include fire-fighting systems appropriate for the locations, such as portable extinguishers, fixed systems such as sprinklers, and appropriate detectors and alarms. If the workplace has 11 or more employees, it must have this plan in writing and train employees to use the equipment. The standards require that every workplace have an appropriate number of employees trained in first aid and that necessary supplies be provided that might be needed for identified hazards. For any employee who might be exposed to blood or other body substances, gloves and cleaning supplies also are

required, along with training on when and how to use the personal protective equipment. This training often is combined with first aid training, although law enforcement officers, who often are exposed in more than an incidental way, might need more extensive training. Exposures to potentially hazardous body fluids must be tracked as well by proper documentation, and the records must be maintained for the duration of the employee's time in service and beyond. Of course, workplaces also are expected to be "up to code" with safe electrical wiring and usage, including the correct use of extension cords and other electrical equipment. Walking and falling awareness are also covered by the standards.

Finally, all employers are subject to what is termed the "General Duty Clause," which requires that the employer provide a workplace that is free from recognized hazards which are causing or likely to cause death or serious physical injury to an employee. In other words, even if there is no specific standard, it is the duty of the employer to determine such hazards and mitigate them to the extent possible. This might include issues with air quality that might be present in older buildings, for example.

For activities more specific to law enforcement, OSHA requires that employees who face a risk of flying particles, such as >>

>> might be encountered on a firing range, be provided with appropriate eye and face protection, and those who might experience loud noises, with hearing protection as well. On the range, the lead exposure standards also might be relevant.

such dangers. This standard divides training into four levels: Awareness, Operations, Technician and Specialist. Every emergency responder should be trained, at a minimum, to the Awareness level, which would include how to recognize and respond to

of response, such as bombs and methamphetamine labs.

At each level, the responder is taught about what type of knowledge and equipment they will need to make the required response. This standard also discusses the required use of the Incident Command System in such events, although in fact, the use of ICS is required in all types of emergency response pursuant to KRS 39A.230. Of course, officers who might be expected to respond to hazardous-materials situations must have the appropriate personal proactive equipment to do so, such as Level A protective clothing and a self-contained breathing apparatus, properly fitted to the individual user. The use of a self-contained breathing apparatus and other types of respirators, including those used to provide protection against law enforcement chemical agents, such as tear gas, in addition, requires annual medical evaluations.

Officers who might be involved in diving, must be properly trained and equipped to do so. Although the diving standard is intended for commercial diving, failure to comply with the standards would likely invoke the General Duty Clause.

An often overlooked standard involves the critical need for officers to appreciate the hazard of confined spaces. Although officers might not be expected, as a rule, to enter such spaces, they must be made aware, through training, of the inherent dangers. 🍌

For additional information on OSHA, including specific references to the laws discussed in this article, please go to the Legal Section Publications on the Kentucky Department of Criminal Justice Training's website, at <https://dcj.ky.gov/legal/> and see Informational (White) Papers

A major regulation of which law enforcement employers must be aware is the Hazardous Waste Operations and Emergency Response, or HAZWOPER standard.

Like other first responders such as firefighters and EMS crew members, officers are required to have, and wear, high-visibility vests where public traffic might be expected. Officers who might be expected to be on or near the water might be required to have a personal flotation device or life jacket.

A major regulation of which law enforcement employers must be aware is the Hazardous Waste Operations and Emergency Response, or HAZWOPER standard. Every responder who might encounter hazardous materials, such as chemicals, must be trained for exposure to

a hazardous material exposure and use the Emergency Response Guidebook. It is the reference for the placards and other signage that indicates the presence of a hazardous material. Operations-level training, required of Kentucky firefighters, teaches how to respond to a hazardous-materials incident in a defensive fashion, while Technician-level training is required for responders who might be expected to approach the point of release or spill. Specialist-level training, obtained only after the responder has completed the first three levels, is intended for those who are directly involved in handling a special type



■ Relying on his amazing sense of smell, a narcotics dog pinpoints the unseen location of drugs behind the metal panels of a vehicle. At the 2013 Bluegrass K-9 Narcotics Trials, hosted recently by the Montgomery County Sheriff's Department, officers and their narcotics dogs from around the country assembled for valuable training, certification and competition.

PHOTO BY JIM ROBERTSON

PREA

The Prison Rape Elimination Act: An Introduction

KEVIN MCBRIDE | STAFF ATTORNEY, DOJT LEGAL TRAINING SECTION

In 2003, then-President George W. Bush signed the Prison Rape Elimination Act into law after nearly-unanimous passage by Congress. (Public Law 108-79.) The intent of the law was to prevent, detect and investigate sexual assaults that happen in prisons, jails, community detention facilities, juvenile detention facilities and lockups.

The law directed the U.S. Attorney General's Office to develop standards for the implementation of the statute. The standards are: The U.S. Department of Justice National Standards to Prevent, Detect and Respond to Prison Rape. They were released by the Department of Justice in May 2012 and became effective in August 2012. The standards are located in the Code of Federal Regulations at 28 CFR part 115.

In order to ensure that states are in compliance with the standards, audits of the various confinement settings began August 2013. So far there have been no audit results by which to gauge compliance. However, the standards only apply to facilities that fall within four types of confinement settings. These confinement settings are: 1) prisons and jails, 2) lockups, 3) community confinement, and 4) juvenile facilities.

At this point, you may be asking, "Why should I care?" If the standards only apply to the previously-listed confinement settings then why should a local or state law enforcement officer, who doesn't work in a jail setting, bother to learn about PREA? Officers and their agencies should care because they have a duty to protect all individuals who come into their custody. Additionally, when a person is sentenced to incarceration, sexual assault is not a component of that punishment. Sexual assaults that occur in the previously-listed confinement settings will need to be investigated and those investigations may be performed by law enforcement officers from outside the confinement setting who need to be aware of the mandates of the law with respect to such facilities. Finally, the Eighth Amendment to the U.S. Constitution prohibits cruel and unusual punishment and the Equal Protection and Due Process clauses require that all citizens be treated with fundamental fairness. Fundamental fairness applies not just to those persons outside the penal system, but also those within its confines.

GENERAL STANDARDS FOR CONFINEMENT SETTING AGENCIES

Agencies that maintain or run one of the listed confinement settings must adopt standards as they relate to sexual assaults that occur within their facilities. Agencies must adopt a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting and responding to such conduct. Agencies must provide training to their employees regarding the adopted policies. Agencies also must employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement and oversee agency efforts to comply with the PREA standards in all of its lockups. (See 29 CFR § 115.111.) In addition, in determining whether a complaint is substantiated, the agency must adopt a standard of proof no higher than a preponderance of the evidence regarding allegations of sexual abuse or sexual harassment. (See 29 CFR part 115 §§ 115.72, 115.172, 115.272 and 115.372.) Finally, the standards state that termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse of an inmate, detainee or resident of the confinement facility. See 29 CFR part 115 §§ 115.76(b), 115.176(b), 115.276(b) and 115.376(b).

STANDARDS FOR INVESTIGATORS

Although the standards, and their accompanying audits, are directed primarily at lockups, prisons, jails and other confinement facilities, they also place requirements on facilities to use investigators who have received specialized training to conduct investigations after an incident occurs. These standards apply whether the facility uses its own internal investigators or uses law enforcement officers from outside the facility. Regardless of which confinement setting is involved, the standards for investigators are virtually the same.

In addition to the standard training that all employees in confinement settings must receive, investigators must have training in conducting sexual assault investigations in confinement settings. (See 29 CFR part 115 §§ 115.34(a), 115.134(a), 115.234(a) and 115.334(a)). In addition, specialized training for investigators must also include techniques >>

Definition Details

Confinement settings are: 1) prisons and jails, 2) lockups, 3) community confinement, and 4) juvenile facilities. They are defined by the PREA Standards at 29 CFR § 115.5 as follows:

- 1) Prison means an institution under federal or state jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony. Jail means a confinement facility of a federal, state or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.
- 2) Lockup means a facility that contains holding cells, cell blocks or other secure enclosures that are: (a) under the control of a law enforcement, court or custodial officer, and (b) primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison or other agency.
- 3) Community confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.
- 4) Juvenile facility means a confinement facility of a federal, state, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility. ■

“Officers and their agencies should care because they have a duty to protect all individuals who come into their custody. Additionally, when a person is sentenced to incarceration, sexual assault is not a component of that punishment.”

>> for interviewing sexual-abuse victims, the proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. (See 29 CFR part 115 §§ 115.34(b), 115.134(b), 115.234(b) and 115.334(b)). Another requirement is that upon receiving a report of a sexual assault, the agency or the investigator must offer the victim a forensic examination by either a sexual assault nurse examiner or sexual assault forensic examiner. In addition, the agency or the investigator must offer the victim the services of a victim’s advocate. Finally, the first responder, whether an investigator or not, needs to separate the victim from the abuser and take steps to protect and/or preserve physical evidence at the scene.

There may be instances in which it is alleged that a sexual relationship has developed between a staff member and a detainee. Even if confronted by what appears to be a consensual encounter between agency staff and a detainee, the detainee is considered a victim under both PREA standards and the Kentucky Revised Statutes. (See 29 CFR 115 §§ 115.78(e), 115.178(e), 115.278(e) and 115.378(e). See also Kentucky Revised Statutes 510.060, 510.090 and 510.120.)

As for the treatment of cases involving juveniles, the PREA standards are virtually the same for investigators except that they require that agencies use investigators “who have received special training in sexual abuse investigations involving juvenile victims pursuant to §115.334.” In addition, § 115.114 of the PREA standards require that “juveniles and youthful detainees shall be held separately from adult detainees.” Kentucky’s juvenile code already requires that juvenile detainees be “sight and sound separated from any adult prisoners held in secure custody at the same location.” (See KRS 610.220(3)).

NO CAUSE OF ACTION

PREA does not create a specific cause of action for detainees to sue agencies that are holding them when a sexual assault occurs. However, there remain the usual statutory and constitutional responsibilities to protect persons held in custody. Awareness of the PREA standards, especially for investigators, can go a long way toward avoiding liability when handling a report of sexual assault in a confinement setting. 🇺🇸

For further information regarding PREA and agency duties and responsibilities the following resources may be helpful.

www.prearesourcecenter.org
www.sheriffs.org/content/prea
www.cipp.org
www.iacp.org

STRANGE STORIES FROM THE BEAT

» Woman stabs roommate in dispute over rock music

A 54-year-old South Carolina woman is accused of stabbing her roommate after he refused to stop listening to the rock band "The Eagles."

She reportedly explained to her 64-year-old male roommate that she didn't want to listen to the group and he told her to, "Shut up."



Police said she grabbed a serrated knife from a kitchen drawer and swung it at her roommate. He and his brother reportedly wrestled the knife away from her, but that didn't stop her from going back into the kitchen and grabbing another one.

» Police station-turned-dead-skunk depot stinks up NY neighborhood

Residents of a New York neighborhood plagued by skunk odors now know what caused the stink: Trapped critters shot and stored at a shuttered police station.

The city's public works commissioner confirmed that humanely trapped skunks were taken to an old police station, where they were shot and stored in an outdoor freezer until they could be incinerated.

Residents said they complained about the smell months ago but were told by city officials that skunks weren't being killed inside the building. Later, they were told only a few skunks were killed there by lethal injection.



Naked burglar gets trapped in air vent, injured by screws

Milwaukee police said a naked burglar tried to break into a veterinary clinic to steal drugs, but got stuck in the air vents for almost 12 hours.

Employees of a small animal hospital in Milwaukee arrived at work and heard the muffled screams of someone calling for help, then discovered the 19 year old stuck in a narrow shaft.

The teen suffered multiple cuts and scrapes from screws. He had stripped naked on the roof before breaking into the vent, perhaps in an attempt — unsuccessful — to prevent his clothes from snagging on those screws.

Man is charged with using his lawn tractor to fling rocks and debris at neighbors

A man drove his lawn tractor toward three neighbors after using the vehicle to pull a bush out of the ground in a property line dispute.

In two subsequent incidents, police said he drove the tractor over bare ground so the mower would fling rocks and other debris at his neighbors and — in one incident — a responding police officer.



Drunk, barking and arrested

A western Pennsylvania man has been charged with inciting Chaos. That's the name of a police dog officers say was taunted by a 26-year-old man, after he was stopped at a drunken-driving checkpoint early one morning. The man allegedly "barked, hissed and growled" at the dog, according to the K-9's handler.



» IF YOU HAVE ANY

funny, interesting or strange stories from the beat, please send them to jimd.robertson@ky.gov



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